

RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
23rd Navajo Nation Council --- Third Year, 2017

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE GRANT OF A
PERMANENT RIGHT-OF-WAY AND TEMPORARY CONSTRUCTION EASEMENT TO
THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF
RECLAMATION, FOUR CORNERS CONSTRUCTION OFFICE, FOR THE
CONSTRUCTION, OPERATION AND MAINTENANCE OF THE NAVAJO-GALLUP
WATER SUPPLY PROJECT REACH 9A-SAN JUAN LATERAL

BE IT ENACTED:

SECTION ONE. AUTHORITY

Pursuant to 2 N.N.C. Section §501 (B)(2), The Resources and Development Committee of the Navajo Nation Council has the authority to grant final approval for all land withdrawals, non-mineral leases, permits, licenses, rights-of-way, surface easements and bonding requirements on Navajo Nation lands and unrestricted (fee) land. This authority shall include subleases, modifications, assignments, leasehold encumbrances, transfers, renewals, and terminations.

SECTION TWO. FINDINGS

- A. The United States Department of the Interior, Bureau of Reclamation, Four Corners Construction Office, 1235 La Plata Highway, Farmington, New Mexico 87401 has submitted an application for a Permanent Easement for a right-of-way (ROW) and a Temporary Construction Easement Right-of-Way for the construction, operation and maintenance of the Navajo-Gallup Water Supply Project Reach 9A-San Juan Lateral. The application requests, along with all required supporting documents, are attached hereto and incorporated herein as Exhibit "A", Tabs 2 thru 15 and Exhibits "B" and "B-1".
- B. The proposed Right-of-Way is described on the maps attached hereto and incorporated herein a Tabs 3,4,5,6 within Exhibit "A".

- C. Field Clearances for the Navajo-Gallup Water Supply Project Reach 9A-San Juan Lateral have been completed and are to be found at Exhibit "D".
- D. The Terms and Conditions for the ROW Temporary Construction Easement provides for consideration for the right-of-way to be assessed at \$2,757,061.12, as found at Exhibit "B".
- E. The consideration for the ROW Temporary Construction Easement may be waived at the discretion of the Committee when the right-of-way project serves a public purpose because the project benefits Navajo residents.
- F. The Navajo Nation "...may waive the requirement for a bond, insurance, or alternative form of security:...(2) For tribal land, deferring, to the maximum extent possible, to the tribe's determination that a waiver of a bond, insurance or alternative form of security is in its best interest." 25 CFR § 169.103(f)(2).
- G. The Resources and Development Committee of the Navajo Nation finds that the waiver of the requirement for a bond, insurance, or alternative form of security with respect to the Right-of-Way Temporary Construction Easement is in the best interest of the Navajo Nation.
- H. The Resources and Development Committee finds a waiver of valuation, 25 C.F.R. § 169.110, is in the best interest of the Navajo Nation.
- I. The Terms and Conditions for the Permanent Easement ROW provides for consideration for the right-of-way to be assessed at \$864,321.35, as found at Exhibit "B-1".
- J. The consideration for the Permanent Easement ROW may be waived at the discretion of the Committee when the right-of-way project serves a public purpose because the project benefits Navajo residents.
- K. Pursuant to 25 CFR § 169.103(f)(2) as cited in Paragraph "F" above, the Resources and Development Committee of the Navajo Nation finds that the waiver of the requirement for a bond, insurance, or alternative form of security with respect to

the Right-of-Way Permanent Easement is in the best interest of the Navajo Nation.

- L. The application for the Rights-of-Way as submitted by United States Department of the Interior, Bureau of Reclamation has been reviewed by the Navajo Land Department; Fish and Wildlife; Historic Preservation; Minerals; Navajo Nation Environmental Protection Agency; Division of Natural Resources and the Department of Justice and "Approved" or found "Sufficient" by all. See Exhibit "C".
- M. The environmental and archaeological studies including the Biological Resource Compliance Form, the Cultural Resources Compliance Form and the Finding of No Significant Impact have all been completed and attached hereto at Tab 13 within Exhibit "A".
- N. The Resources and Development Committee of the Navajo Nation Council finds it to be in the best of the Navajo Nation to approve granting the Permanent Easement Right-of-Way and the Temporary Construction Easement Right-of-Way to the United States of the Interior, Bureau of Reclamation, Four Corners Construction Office, for the construction, operation and maintenance of the Navajo-Gallup Water Supply Project Reach 9A-San Juan Lateral as described herein at Exhibit "A", Tabs 2 thru 15 and Exhibits "B", "B-1" and "D".

SECTION THREE. APPROVAL

- A. The Resources and Development Committee of the Navajo Nation Council hereby approves the granting of the Permanent Easement Right-of-Way and the Temporary Construction Easement Right-of-Way to the United States Department of the Interior, Bureau of Reclamation, Four Corners Construction Office, for the construction, operation and maintenance of the Navajo-Gallup Water Supply Project Reach 9A-San Juan Lateral as described herein at Exhibit "A", Tabs 2 thru 15 and Exhibits "B", "B-1" and "D".
- B. The Resources and Development Committee of the Navajo Nation Council hereby approves the Terms and Conditions for the Temporary Construction Easement as found at Exhibit "B" and the Terms and Conditions for the Permanent Right-of-Way as found at Exhibit "B-1" this project being thereby subject to, but not limited to, the following such terms and conditions as incorporated herein.

- C. The Resources and Development Committee hereby waives consideration and requirement for a bond, insurance or alternative form of security with respect to the Right-of-Way for Temporary Construction Easement and the Right-of-Way for Permanent Easement as being in the best interest of the Navajo Nation and benefiting the Navajo People.
- D. The Resources and Development Committee of the Navajo Nation Council hereby approves waiver of valuation as being in the best interest of the Navajo Nation and benefiting the Navajo people.
- E. The Resources and Development Committee of the Navajo Nation Council hereby authorizes the President of the Navajo Nation to execute any and all documents necessary to affect the intent and purpose of this resolution.

CERTIFICATION

I, hereby certify that the following resolution was duly considered by the Resources and Development Committee of the 23rd Navajo Nation Council at a duly called meeting at Navajo Department of Transportation, Tse Bonito, Navajo Nation (New Mexico), at which a quorum was present and that same was passed by a vote of 3 in favor, 0 opposed, 1 abstained on this 27th day of September, 2017.



Jonathan Perry, Pro Temp Chairperson
Resources and Development Committee
of the 23rd Navajo Nation Council

Motion: Honorable Davis Filfred
Second: Honorable Walter Phelps

Bureau of Reclamation

Navajo Gallup Water Supply Project Reach 9A

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UNITED STATES DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

REQUEST FOR CONSENT TO A GRANT OF PERMANENT EASEMENT FOR RIGHT-OF-WAY

Tribal Trust Lands – NGWSP Reach 9A

LANDOWNER NAME: Navajo Nation

Tribal Tract No.'s: 791-T8153, 791-T8156, 791-T8179

The Navajo-Gallup Water Supply Project (NGWSP) is a priority project of the United States and the Navajo Nation; therefore, the Department of the Interior, Bureau of Reclamation, the Navajo Nation, and the Bureau of Indian Affairs are working as partners to streamline the processes, as necessary, to meet all project deadlines. Reclamation therefore respectfully requests that this application for NGWSP Rights-of-Way be prioritized accordingly, and that the application is processed when received.

*Please note that the acquisition of tribal consent is time sensitive. Reclamation respectfully requests that the consent to this easement be granted on or before **August 1, 2017** to allow for additional processing by the Bureau of Indian Affairs (BIA).*

COMES NOW THE APPLICANT: The Bureau of Reclamation, Four Corners Construction Office, having a principle place of business at 1235 La Plata Highway, Farmington, New Mexico 87401, who on this 15th day of May, 2017, hereby petitions the Navajo Nation Land Department, and respectfully files under the terms and provisions of the Act of February 5, 1948 (62 Stat. 17; 25 USC 323-328), and Departmental Regulations 25 C.F.R., Ch. 1, Subchapter H, Part 169, Subpart C § 169.102(a), a request for Tribal Consent to a Grant of Permanent Easement for Right-of-Way (ROW), without limitation in term, and for as long as the easement is used for the intended purpose as described herein.

The ROW requested in this application for Reach 9A of the NGWSP is approximately 71,553.75 feet in length (13.55 miles), and will contain 135.18 acres, more or less.

The Purpose of the Proposed Action: The Omnibus Public Land Management Act of 2009, Title X, Part III (Public Law 111-11) (Act) authorizes the Bureau of Reclamation to construct the NGWSP that includes water treatment plants, pipeline, several pumping stations and ancillary facilities. Once completed, the NGWSP will deliver a reliable source of potable water, sourced from the San Juan River, to Navajo communities in northwestern New Mexico, the City of Gallup, NM, and the southwest portion of the Jicarilla Apache Reservation for municipal and industrial use. The NGWSP will connect to existing and future water distribution systems operated on the reservation by the Navajo Tribal Utility Authority (NTUA), and in Gallup, by the City of Gallup. The high quality treated water provided by the NGWSP will bring immediate benefits, including improved health and wellbeing to Tribal members.

Authorization: Reclamation is authorized by the Act, under Part III, Section 10602, Subsection (c)(1) and (2) which states : *"As a condition of construction of the facilities authorized under this part, the Project Participants shall provide all land or interest in land, as appropriate, that the Secretary identifies as necessary for acquisition under this subsection at no cost to the Secretary".* Therefore, Reclamation hereby respectfully requests that this application be processed so as to acquire ROW that is deemed necessary and appropriate, in order to accommodate the construction, operation, maintenance, and replacement of the main and ancillary facilities of the NGWSP Reach 9A.

ROW Type, Size and Purpose: The NGWSP is divided into segments called, "Reaches." Each Reach is designated by a number that designates a section of pipeline between two turnouts, or delivery points, along the water transmission pipeline alignment. This application is for a ROW for Reach 9A. Please see the attached map showing the alignment of Reach 9A dated 12-15-2016 (CD), that is by reference made a part hereof.

Reclamation hereby requests a grant of ROW - Parcel No. Rch 9A - Tribal Trust (P), being approximately 71,553.75-feet in length, containing 135.18 acres more or less, across, over and through Navajo Tribal Trust Tract No.'s 791-T8153, 791-T8156, and 791-T8179, in the area of the Naschitti and Tohatchi Navajo Tribal Chapters, which are located in San Juan County, and McKinley County, New Mexico.

The ROW will be utilized for the construction, operation, maintenance and/or replacement of a 48 inch in diameter, or smaller, water transmission pipeline and appurtenances thereto. Ancillary appurtenances may include but are not limited to thrust features, vaults, valves, fiber optic supervisory control and data acquisition systems (SCADA), cathodic protection systems, single phase utility power to support the operation of the pipeline infrastructure, and a patrol road.

Reach 9A is illustrated on ROW drawings 1695-529-60166, 1695-529-60167, and 1695-529-60168, that are attached hereto and by reference, made a part hereof. The Reach 9A pipeline alignment will begin at Station 89983+10.00, a point on the East side of U.S. Highway 491, and North of the town of Naschitti, New Mexico, located in the Northeast Quarter of Section 07, Township 21 North, of Range 17 West; and will terminate at Station 90702+40.36, located South of the Gallup Compressor Station and East of U.S. Highway 491, in the Southeast Quarter of Section 09, Township 19 North, of Range 17 West; as illustrated on Plan and Profile Drawing No.'s 1695-529-60098 through 1695-D-T27888 (CD), attached hereto and by reference are made a part hereof. The Plan and Profile Drawings illustrate the Reach 9A pipeline alignment, and the locations of ancillary appurtenances and public utilities.

Ownership of Permanent Improvements: Reach 9A of the NGWSP across Tribal Trust Lands will consist of a 48 inch or less I.D. water transmission pipeline with ancillary features and appurtenances, constructed and owned by the Bureau of Reclamation. It is Reclamation's intent to transfer the operation, maintenance, and replacement (OM&R) responsibility of the Project to the Navajo Tribal Utility Authority (NTUA). It is envisioned that Reclamation would retain title to the facilities for the foreseeable future, however, the Act does provide authority for eventual title transfer to the Navajo Nation.

Construction Schedule:

Obtain ROW: August 1, 2017

Obtain Bids and Establish Contracts: October 30, 2017

Award Contract: December 18, 2017

Notice to Proceed Issue: January 5, 2018

Begin Construction: February 5, 2018

Construction 50% Completed by: December 1, 2019

Construction Complete: February 5, 2021

Across the following described Navajo Tribal Trust Lands: Parcel No. RCH 9A-Tribal Trust-01(P), a permanent ROW, being described as a parcel of land crossing Navajo Nation Tribal Trust Land, and lying in Sections 07, 08, 17, 20, 28, 29, and 33 of Township 21, North, Range 17 West, N.M.P.M., San Juan County, New Mexico; and, Sections 04, 09, 16, 21, 28, and 33 of Township 20 North, Range 17 West; and Sections 04 and 09 of Township 19 North, Range 17 West, N.M.P.M., McKinley County, New Mexico.

Parcel No. RCH 9A-Tribal Trust-01(P) is described on ROW Drawing No.'s 1695-529-60166, 1695-529-60167, and 1695-529-60168, and illustrated in Plan and Profile Drawing No.'s 1695-529-60098 through 1695-D-T27888 (CD).

Reclamation requests a permanent ROW of varying width in order to avoid cultural resources occurring in the area of the water transmission pipeline alignment, and to provide additional working space for the construction of said reach 9A. The width of the ROW will be increased at wash crossings for the construction of bank stabilization structures, and for the need for permanent access to the ROW and said bank structures, in order to perform maintenance after construction. The width of the ROW will be decreased in areas where the width of the construction area is reduced due to U.S. Highway 264 and/or where rock outcroppings restrict the working area.

Description - Permanent ROW - Parcel No. RCH 9A - Tribal Trust - 01(P): Pipeline – Drawing No. 1695-529-60166 (Sheet 1), 1695-529-60167 (Sheet 2), and 1695-529-60168 (Sheet 3): Reach 9A ROW will be approximately 71,553.75 feet (13.55 miles) in length, and of varying width, containing 135.18 acres more or less. More particularly described as follows:

A strip of land being 80 feet wide, lying 40 feet each side from station 89983+10.00 to station 90021+00.00; thence being 150 feet wide, lying 75 feet each side from station 90021+00.00 to station 90024+00.00; thence being 80 feet wide, lying 40 feet each side from station 90024+00.00 to station 90074+50.00; thence being 150 feet wide, lying 75 feet each side from station 90074+50.00 to station 90078+00.00; thence being 80 feet wide, lying 40 feet each side from station 90078+00.00 to station 90096+75.00; thence being 150 feet wide, lying 75 feet each side from station 90096+75.00 to station 90098+25.00; thence being 80 feet wide, lying 40 feet each side from station 90098+25.00 to station 90160+50.00; thence being 150 feet wide, lying 75 feet each side from station 90160+50.00 to station 90165+00.00; thence being 80 feet wide, lying 40 feet each side from station 90165+00.00 to station 90258+37.92; thence being 80 feet wide, lying 40 feet each side from station 90258+37.92 to station 90260+75.00; thence being 150 feet wide, lying 75 feet each side from station 90260+75.00 to station 90262+25.00; thence being 80 feet wide, lying 40 feet each side from station 90262+25.00 to station 90281+75.00; thence being 150 feet wide, lying 75 feet each side from station 90281+75.00 to station 90284+00.00; thence being 80 feet wide, lying 40 feet each side from station 90284+00.00 to station 90375+50.00; thence being 150 feet wide, lying 75 feet each side from station 90375+00.00 to station 90376+75.00; thence being 80 feet wide, lying 40 feet each side from station 90376+75.00 to station 90464+30.00; thence being 150 feet wide, lying 75 feet each side from station 90464+30.00 to station 90466+70.00; thence being 80 feet wide, lying 40 feet each side from station 90466+70.00 to station 90532+14.65; thence being 80 feet wide, lying 40 feet each side from station 90532+14.65 to station 90578+00.00; thence being 150 feet wide, lying 75 feet each side from station 90578+00.00 to station 90580+00.00; thence being 80 feet wide, lying 40 feet each side from station 90580+00.00 to station 90608+50.00; thence being 150 feet wide, lying 75 feet each side from station 90608+50.00 to station 90610+00.00; thence being 80 feet wide, lying 40 feet each side from station 90610+00.00 to station 90702+40.36 of the pipeline centerline.

Legal Description - Parcel No. RCH 9A-Tribal Trust-01: Pipeline Centerline - Drawing No. 1695-529-60166 (Sheet 1), 1695-529-60167 (Sheet 2), and 1695-529-60168 (Sheet 3):

The Point of Beginning being Reach 9A station 89983+10.00, from which the Northeast corner of Section 07 bears North 04°46'18" East a distance of 859.39 feet; thence, from the point of beginning South 17°20'24" East a distance of 212.38 feet to station 89985+22.38, a point on the West line of said Section 08, from which the Northwest corner of said Section 08 bears North 00°26'35" East a distance of 1059.17 feet; thence, continuing South 17°20'24" East a distance of 1712.62 feet to station 90002+35.00; thence South 06°41'52" East a distance of 180.00 feet to station 90004+15.00; thence South 17°19'43" East a distance of 960.00 feet to station 90013+75.00; thence South 73°12'24" East a distance of 325.00 feet to station 90017+00.00; thence South 17°02'16" East a distance of 713.00 feet to station 90024+13.00; thence South 06°18'48" East a distance of 496.00 feet to station 90029+09.00; thence South 16°11'28" East a distance of 243.93 feet to station 90031+52.93, a point on the North line of said Section 17, from which the North Quarter corner of said Section 17 bears South 89°31'00" East a distance of 1144.90 feet; thence continuing South 16°11'28" East a distance of 647.07 feet to station 90038+00.00; thence South 46°26'47" East a distance of 273.00 feet to station 90040+73.00; thence South 00°00'40" East a distance of 185.00 feet to station 90042+58.00; thence South 28°52'40" West a distance of 297.00 feet to Reach 9A Equation Station 90045+55.00, wherein station 90045+55.00 is renumbered to station 90044+50.00; thence South 10°59'59" West a distance of 388.00 feet to station 90048+38.00; thence South 12°02'50" East a distance of 443.00 feet to station 90052+81.00; thence South 17°20'24" East a distance of 1490.00 feet to station 90067+71.00; thence South 31°52'25" East a distance of 467.05 feet to station 90072+38.04; thence South 44°13'24" East a distance of 357.65 feet to Reach 9A Equation Station 90075+95.70, wherein station 90075+95.70 is renumbered to station 90075+91.00; thence South 44°12'19" East a distance of 700.00 feet to station 90082+91.00; thence South 08°20'40" East a distance of 656.38 feet to station 90089+47.38, a point on the North line of said Section 20, from which the North Quarter corner of said Section 20 bears North 89°31'35" West a distance of 674.16 feet; thence continuing South 08°20'40" East a distance of 451.62 feet to station 90093+99.00; thence South 23°47'34" West a distance of 577.64 feet to Reach 9A Equation Station 90099+76.64, wherein station 90099+76.64 is renumbered to station 90100+60.00; thence South 15°19'56" East a distance of 1202.00 feet to station 90112+62.00; Thence South 17°31'11" East a distance of 3308.54 feet to station 90145+70.54, a point on the North line of section 29, from which the Northeast corner of said Section 29 bears South 89°30'55" East a distance of 776.27 feet; thence continuing South 17°31'11" East a distance of 1493.46 feet to station 90160+64.00; thence South 16°29'52" East a distance of 1025.00 feet to station 90170+89.00; thence South 17°20'38" East a distance of 54.98 feet to station 90171+43.98, a point on the West line of said Section 28, from which the East Quarter corner of said Section 28 bears South 00°26'53" West a distance of 187.38 feet; thence continuing South 17°20'38" East a distance of 586.02 feet to station 90177+30.00; thence South 32°03'17" East a distance of 865.00 feet to station 90185+95.00; thence South 22°03'43" East a distance of 300.00 feet to station 90188+95.00; thence South 12°45'18" East a distance of 1297.89 feet to station 90201+92.89, a point on the North line of Section 33, from which the Northwest corner of said Section 33 bears North 89°29'05" West a distance of 1055.31 feet; thence continuing South 12°45'18" East a distance of 1012.11 feet to station 90212+05.00; thence South 22°14'09" East a distance of 321.26 feet to station 90215+26.26; thence South 09°21'01"

East a distance of 615.79 feet to Reach 9A Equation Station 90221+42.05, wherein station 90221+42.05 is renumbered to station 90222+44.00; thence South 19°12'35" East a distance of 145.00 feet to station 90223+89.00; thence South 26°26'31" East a distance of 1300.00 feet to station 90236+89.00; thence South 12°12'08" East a distance of 2148.92 feet to station 90258+37.92, a point on the North line of said Section 04, Township 20 North, Range 17 West, from which the South Quarter corner of Section 04 bears South 89°29'58" East a distance of 17.54 feet; thence continuing South 12°12'08" East a distance of 741.08 feet to station 90265+79.00; thence South 03°45'40" East a distance of 1345.00 feet to station 90279+24.00; thence South 09°09'58" East a distance of 1002.00 feet to station 90289+26.00; thence South 06°05'49" East a distance of 234.00 feet to station 90291+60.00; thence South 20°37'24" East a distance of 1293.00 feet to station 90304+53.00; thence South 12°00'45" East a distance of 1240.72 feet to station 90316+93.72, a point on the North line of said Section 09, from which the North Quarter corner of said Section 09 bears South 89°31'45" East a distance of 163.51 feet; thence continuing South 12°00'45" East a distance of 29.28 feet to station 90317+23.00; thence South 25°46'58" East a distance of 376.00 feet to station 90320+99.00; thence South 12°13'05" East a distance of 2259.00 feet to station 90343+58.00; thence South 09°51'49" East a distance of 1668.00 feet to station 90360+26.00; thence South 46°53'01" West a distance of 340.00 feet to station 90363+66.00; thence South 04°51'14" East a distance of 356.00 feet to station 90367+22.00; thence South 10°02'15" East a distance of 488.89 feet to station 90372+10.89, a point on the North line of said Section 16, from which the North Quarter corner of said Section 16 bears North 89°32'33" West a distance of 680.46 feet; thence continuing South 10°02'15" East a distance of 368.11 feet to station 90375+79.00; thence South 02°14'53" West a distance of 309.00 feet to station 90378+88.00; thence South 08°58'16" West a distance of 1492.00 feet to station 90393+80.00; thence South 02°40'37" West a distance of 300.00 feet to station 90396+80.00; thence South 06°48'11" East a distance of 760.00 feet to station 90404+40.00; thence South 02°39'45" West a distance of 850.00 feet to station 90412+90.00; thence South 25°00'59" West a distance of 300.00 feet to station 90415+90.00; thence South 03°26'00" West a distance of 609.00 feet to station 90421+99.00; thence South 22°13'42" East a distance of 379.22 feet to station 90425+78.22, a point on the North line of said Section 21, from which the North Quarter corner of said Section 21 bears North 89°32'28" West a distance of 560.09 feet; thence continuing South 22°13'42" East a distance of 26.78 feet to station 90426+05.00; thence South 02°13'39" West a distance of 646.00 feet to station 90432+51.00; thence South 06°27'12" East a distance of 450.00 feet to station 90437+01.00; thence South 02°40'06" West a distance of 600.00 feet to station 90443+01.00; thence South 09°23'02" West a distance of 2138.00 feet to station 90464+39.00; thence South 00°40'00" West a distance of 253.00 feet to station 90466+92.00; thence South 08°34'37" East a distance of 1214.25 feet to station 90479+06.25, a point on the North line of Section 28, from which the North Quarter corner of said Section 28 bears North 89°33'49" West a distance of 439.71 feet; thence continuing South 08°34'37" East a distance of 22.75 feet to station 90479+29.00; thence South 02°40'10" West a distance of 1949.00 feet to station 90498+78; thence South 12°15'33" West a distance of 850.00 feet to station 90507+28.00; thence South 04°17'28" West a distance of 700.00 feet to station 90514+28.00; thence South 08°34'10" West a distance of 769.00 feet to station 90521+97.00; thence South 02°28'34" West a distance of 1017.65 feet to station 90532+14.65, a point on the North line of said Section 33, from which the North Quarter corner of said Section 33 bears South 89°32'07" East a distance of 4.53 feet; thence continuing South 02°28'34" West a distance of 2674.35 feet to station 90558+89.00; thence South 18°32'23" East a distance of

628.00 feet to station 90565+17.00; thence South 02°35'20" West a distance of 798.00 feet to station 90573+15.00; thence South 12°15'45" West a distance of 1242.60 feet to station 90585+57.60, a point on the North line of said Section 04, from which the North Quarter corner of said Section 04 bears South 89°31'59" East a distance of 168.21 feet; thence continuing South 12°15'45" West a distance of 257.40 feet to station 90588+15.00; thence South 02°37'21" West a distance of 985.00 feet to station 90598+00.00; thence South 25°31'31" East a distance of 993.00 feet to station 90607+93.00; thence South 00°45'34" West a distance of 241.00 feet to station 90610+34.00; thence South 37°56'00" East a distance of 965.00 feet to Reach 9A Equation Station 90619+99.00, wherein station 90619+99.00 is renumbered to station 90622+15.00; thence South 21°26'50" East a distance of 959.00 feet to station 90631+74.00; thence South 09°10'21" West a distance of 722.00 feet to station 90638+96.00; thence South 27°35'45" West a distance of 626.96 feet to station 90645+22.96, a point on the North line of said Section 09, from which the North Quarter corner of said Section 09 bears North 89°31'12" West a distance of 740.49 feet; thence continuing South 27°35'45" West a distance of 47.04 feet to station 90645+70.00; thence South 13°37'40" West a distance of 419.00 feet to Reach 9A Equation Station 90649+89.00, wherein station 90649+89.00 is renumbered to station 90650+74.00; thence South 13°38'03" West a distance of 2178.00 feet to station 90672+52.00; thence South 47°54'10" East a distance of 696.00 feet to station 90679+48.00; thence South 12°24'43" West a distance of 553.00 feet to station 90685+01.00; thence South 07°49'58" West a distance of 1089.00 feet to station 90695+90.00; thence South 16°15'55" West a distance to 650.36 feet to station 90702+40.36, the Point of Terminus, and a point on the North line of said Section 16, from which the North Quarter corner of said Section 16 bears North 89°31'14" West a distance of 222.03 feet. The sidelines of said strip shall be extended or shortened to the North line of said Section 04, Township 20 North, Range 17 West, and to the South line of Section 09, Township 19 North, Range 17 West.

Landowner Consent: The Navajo Nation gave its concurrence to permission to survey the San Juan Lateral of the NGWSP on August 14, 2009. On March 1, 2010, the Bureau of Indian Affairs, Fort Defiance Agency granted Reclamation Permission to Survey over, across and through Reaches 9, 10, 11, and 12, for the purpose of conducting surveys and studies to determine a final pipeline alignment. The final pipeline alignment across said Reaches is illustrated on the alignment map of Reach 9 through 11, dated December 15, 2016, and the aforementioned ROW and Plan and Profile Drawings attached hereto (CD), and by reference are made a part hereof.

Reclamation requested a Title Status Report (TSR) for the subject Tribal Trust Lands on July 21, 2016 in order to verify the ownership status of the lands to be crossed by Reaches 9 through 11 that includes Reach 9A. The TSR was received at Reclamation on August 8, 2016, and verifies that all lands being crossed by Reaches 9 through 11 are Tribal Trust Lands. Please see the TSR which is attached hereto and by reference is made a part hereof. The final pipeline alignment across said Reaches is illustrated on the alignment map of Reach 9 through 11, dated December 15, 2016, and the aforementioned ROW and Plan and Profile Drawings attached hereto (CD).

Reclamation hereby requests the consent of the Navajo Nation to a grant of Permanent Easement for ROW for Reach 9A, over, across and through the aforementioned Tribal Trust Lands, and that in granting said consent, the Navajo Nation waives compensatory consideration of the fair market value of the easement, and agrees to forego the requisite appraisal of the ROW.

Environmental Clearance: The Record of Decision (ROD) and Final Environmental Impact Statement (FEIS) (Bureau of Reclamation 2009) for the Navajo-Gallup Water Supply Project, is attached hereto (CD) and by reference is made a part hereof. The ROD and FEIS can also be viewed on the world-wide web at <http://www.usbr.gov/uc/envdocs/eis/navgallup/FEIS/index.html>. The alignment of Reaches 9 through 11 has not changed substantially from what was presented in the FEIS and ROD.

As discussed with Pamela A. Kyselka, Wildlife Biologist, Navajo Natural Heritage Program, Department of Fish and Wildlife, on December 7, 2016, Reclamation will conduct a NEPA Sufficiency Review over Reaches 9 through 11 to determine if the proposed action would have any new potentially significant impacts, not already discussed and considered in previous NEPA documentation.

Biological Resource Compliance: Please see attached BRCF – NNDFW Review No. 17usbr01, dated February 14, 2017 that documents the approval by the NNDFW that the NGWSP Block 9 through 11 proposed to be constructed in the area of the Naschitti and Tohatchi Navajo Chapters is in compliance with Tribal and Federal laws protecting biological resources including the Navajo Endangered Species and Environmental Policy Codes, U.S. Endangered Species, Migratory Bird Treaty, Eagle Protection and National Environmental Policy Acts. The NNDFW concurs with the mitigation recommendations outlined in the BE, Section 6.5 and is approved by Ms. Gloria M. Tom, Director, Navajo Nation Department of Fish and Wildlife.

Cultural Resources Compliance: Please see letter dated April 25, 2016 that includes a summary of the Class III Inventory Report and eligibility determinations for Reaches 9 through 11, attached hereto, and by reference made apart hereof. The survey was conducted by PaleoWest under the authority of Navajo Nation Cultural Resources Permit No. B13543. The inventory identified a total of 292 cultural resources, including isolated occurrences, archaeological sites, in-use sites, Navajo Traditional Cultural Properties, and Jishchaa' within the Reach 9 through 11 Area of Potential Effect.

Reclamation submitted said report to the Navajo Nation Historic Preservation Department and concurrence was received from the Tribal Historic Preservation Officer on August 30, 2016, said letter is attached hereto, and by reference, made a part hereof. The report was also consulted upon with all NGWSP signatory and consulting parties in compliance with the Programmatic Agreement for the NGWSP. Following the completion of consultation with Navajo Nation and the NGWSP Programmatic Agreement parties, a final version of the report, with the changes noted in the Navajo Nation's August 30, 2016, concurrence, was submitted to all participants on October 11, 2016.

Per the internal BIA memo from the Supervisory Environmental Protection Specialist, Branch of Environmental Quality, Act Compliance and Review, written to the Supervisory Civil Engineer, Engineering & Technical Support Division, dated October 29, 2015, attached hereto and by reference made a part hereof, the subject report, with concurrence from the Navajo Nation Historic Preservation Department, is considered acceptable for compliance with the National Historic Preservation Act (NHPA).

Waiver of Title 25, Code of Federal Regulations, 25 C.F.R. Part 169.103 (Bonding Requirements): The Bureau of Indian Affairs, in cooperation with the Bureau of Reclamation and with the support of the Navajo Nation, requested a waiver from the Assistant Secretary – Indian Affairs under 25 C.F.R. § 1.2 and 25 C.F.R. Part 169 § 169.103 bonding requirement, for all NGWSP ROW's.

Said waiver of Title 25, *Code of Federal Regulations*, 25 C.F.R. Part 169.103 (Bonding Requirements) was approved by the Principle Deputy Assistant Secretary – Indian Affairs in a memo dated November 22, 2016. A copy of said waiver is attached (CD), and by reference is made a part hereof.

The Bureau of Reclamation, an agency of the Federal Government, hereby assures that it will pay damages promptly, when they are sustained, under the provisions of the Federal Tort Claims Act (June 25, 1948, Ch. 646, Title IV, 62 Stat. 982, "28 U.S.C. Pt. VI Ch.171" and 28 U.S.C. Part 1346(b)).

SAID APPLICANT UNDERSTANDS AND EXPRESSLY AGREES TO THE FOLLOWING STIPULATIONS:

1. To construct and maintain improvements within the right-of-way in a professional manner consistent with industry standards;
2. ~~To pay promptly all damages and compensation, in addition to bond or alternative form of security made pursuant to 169.103, determined by the BIA to be due the landowners and authorized users and occupants of the land as a result of the granting,, construction and maintenance of the right-of-way;~~
3. To restore the land as nearly as may be possible to its original condition, upon the completion of construction, to the extent compatible with the purpose for which the right-of-way was granted, or reclaim the land if agreed to by the landowners;
4. To clear and keep clear the land within the right-of-way, to the extent compatible with the purpose of the right-of-way, and dispose of all vegetative and other material cut, uprooted, or otherwise accumulated during construction and maintenance of the project;
5. Comply with all applicable laws and obtain all required permits;
6. Not commit waste.
7. Operate, repair and maintain improvements consistent with the right-of-way grant;
8. Build and maintain necessary and suitable crossings for all roads and trails that intersect the improvements constructed, maintained, or operated under the right-of-way;
9. Restore the land to its original condition, as much as reasonably possible, upon cancellation or termination of the right-of-way, or reclaim the land if agreed to by the landowners;
10. At all times keep the BIA, and the tribe, for tribal land, informed of the grantees address;
11. Refrain from interfering with the landowner's use of the land, provided that the landowner's use of the land is not inconsistent with the right-of-way;
12. Comply with the following due diligence requirements:
 - Obtain bids and establish contracts: (date)
 - Award Contract: (date)
 - Issue notice to proceed: (date)
 - Begin construction: (date)
 - Complete 50% of construction (date)
 - Complete construction: (date)
13. Notify the BIA, and the tribe, for tribal land, if it files for bankruptcy or is placed in receivership.
14. Comply with all applicable federal and tribal law.

THE APPLICANT FURTHER STIPULATES AND EXPRESSLY AGREES AS FOLLOWS:

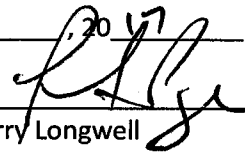
To conform and to abide by all applicable requirements with respect to the right-of-way herein applied for. The applicant agrees to conform to and abide by the rules, regulations, and requirements contained in the *Code of Federal Regulations*, Title 25 Indians, Part 169, as amended, and by reference includes such rules, regulations and requirements as a part of this application to the same effect as if the same were herein set out in full.

IN WITNESS WHEREOF, PATRICK J PAGE, PE has caused this instrument to be

executed this 15TH day of MAY, 2017.



Witness

 **ACTING FOR**
Barry Longwell
Construction Engineer
U.S. Bureau of Reclamation
Four Corners Construction Office
1235 La Plata Hwy.
Farmington, NM, 87401

Required Supporting Documents:

1. () ~~Form 5-104b.~~
2. () ~~Evidence of Authority of Officers to execute Papers (ROW Form 94-4).~~
3. () ~~Evidence of good faith and financial responsibility.~~
4. () ~~Double estimated damages (deposit - 25 CFR 169.4).~~
5. () ~~State certified corporate charter or articles of incorporation.~~
6. () ~~Certified copy of resolution or by laws of the corporation authorizing the filing of the application.~~
7. () ~~State certification that the applicant is authorized to conduct business in the State of xxx.~~
8. () ~~Certified copy of the articles of partnership or association.~~
9. (x) **Other attachments**
 - (x) NGWSP - Public Law 111-11 As amended thru 11-15-16 (CD)
 - (x) Application for Permanent Easement for Right-of-Way
 - (x) ROW Drawing - Reach 9A - Dwg. No. 1695-529-60166
 - (x) ROW Drawing - Reach 9A - Dwg. No. 1695-529-60167
 - (x) ROW Drawing - Reach 9A - Dwg. No. 1695-529-60168
 - (x) Plan & Profile: No. 1695-D-T26510 thru No. 1695-D-T27888
 - (x) ROW Description - Reach 9A
 - (x) Map - NGWSP - Drawing No. 1695-529-537 - 03-13-17
 - (x) Map - Block 9-11 Alignment
 - (x) Map - Reach 9A Alignment
 - (x) Navajo Nation Executive Order No. 03-2012
 - (x) Chapter Resolution - Naschitti
 - (x) Chapter Resolution - Tohatchi
 - (x) TSR - Reach 9A - Dated 08-04-16
 - (x) Permission to Survey - Dated 09-17-09

- (x) Permission to Survey - Dated 03-01-10
- (x) Permission to Conduct Engineering Data Collection – Dated 10-05-16
- (x) Letter – Navajo Nation - Waiver of Bond Requirement - 25 CFR Part 169.103 - Dated 09-09-16
- (x) Waiver of 25 CFR 169.103 – Dated 12-20-16
- (x) Final Environmental Impact Statement and Record of Decision can be viewed at:
<http://www.usbr.gov/uc/envdocs/eis/navgallup/FEIS/index.html>.
- (x) FEIS - Volume 1, Volume 2, and Volume 3 (CD)
- (x) FEIS - Record of Decision (ROD) Dated 2009 (CD)
- (x) Phase I ESA – Nelson Consulting Dated November 2016 (CD)
- (X) BRCF - NNDFW Review No. 17usbr01 - Dated 02-14-17
- (x) Class III Inventory Report and Concurrence of Eligibility Determinations - Dated 04-25-16
- (x) Class III Inventory and Determination of Eligibility - Final Report - NHPA - Dated 10-11-16
- (x) Memorandum - Acceptable NEPA and NHPA Compliance Documents - Dated 10-29-15
- (x) Table - ROW Calculations with Station Equations - (Station to Station)
- (x) Table - Reach 9A - Summary - ROW and TCE Length and Acreage – Navajo Minerals
- (x) Table - Rch 9A - Summary by Legals and Tract
- (x) CD - Rch 9A Documents

UNITED STATES DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

APPLICATION FOR CONSENT TO A GRANT OF TEMPORARY CONSTRUCTION EASEMENT

Tribal Trust Lands – NGWSP Reach 9A

LANDOWNER NAME: Navajo Nation

Tribal Tract No.'s: 791 T-8153, 791 T-8156, 791 T-8179

The Navajo-Gallup Water Supply Project (NGWSP) is a priority project of the United States and the Navajo Nation; therefore, the Department of the Interior, Bureau of Reclamation, the Navajo Nation, and the Bureau of Indian Affairs are working as partners to streamline the processes, as necessary, to meet all project deadlines. Reclamation therefore respectfully requests that this application for NGWSP Rights-of-Way be prioritized accordingly, and that the application is processed when received.

*Please note that the acquisition of tribal consent is time sensitive. Reclamation respectfully requests that the consent to this easement be granted on or before **August 1, 2017** to allow for additional processing by the Bureau of Indian Affairs (BIA).*

COMES NOW THE APPLICANT: The Bureau of Reclamation, Four Corners Construction Office, having a principle place of business at 1235 La Plata Highway, Farmington, New Mexico 87401, who on this 15th day of May, 2017, hereby petitions the Navajo Nation Land Department, and respectfully files under the terms and provisions of the Act of February 5, 1948 (62 Stat. 17; 25 USC 323-328), and Departmental Regulations 25 C.F.R., Ch. 1, Subchapter H, Part 169, Subpart C § 169.102(a), a request for Tribal Consent to a Grant of Temporary Construction Easement (TCE) to be effective for a term of forty-eight months from the date granted, for the following purposes and reasons:

The TCE requested in this application for Reach 9A of the NGWSP is approximately 71,553.75 feet in length (13.55 miles), and will contain 107.61 acres, more or less.

The Purpose of the Proposed Action: The Omnibus Public Land Management Act of 2009, Title X, Part III (Public Law 111-11) (Act) authorizes the Bureau of Reclamation to construct the NGWSP that includes water treatment plants, pipeline, several pumping stations and ancillary facilities. Once completed, the NGWSP will deliver a reliable source of potable water, sourced from the San Juan River, to Navajo communities in northwestern New Mexico, the City of Gallup, NM, and the southwest portion of the Jicarilla Apache Reservation for municipal and industrial use. The NGWSP will connect to existing and future water distribution systems operated on the reservation by the Navajo Tribal Utility Authority (NTUA), and in Gallup, by the City of Gallup. The high quality treated water provided by the NGWSP will bring immediate benefits, including improved health and wellbeing to Tribal members.

Authorization: Reclamation is authorized by the Act, under Part III, Section 10602, Subsection (c)(1) and (2) which states: *"As a condition of construction of the facilities authorized under this part, the Project Participants shall provide all land or interest in land, as appropriate, that the Secretary identifies as necessary for acquisition under this subsection at no cost to the Secretary".* Therefore, Reclamation hereby respectfully requests that this application be processed so as to acquire ROW that is deemed necessary and appropriate, in order to accommodate the construction, operation, maintenance, and replacement of the main and ancillary facilities of the NGWSP Reach 9A.

ROW Type, Size and Purpose: The NGWSP is divided into segments called, "Reaches." Each Reach is designated by a number that designates a section of pipeline between two turnouts, or delivery points, along the water transmission pipeline alignment. This application is for a TCE for Reach 9A. Please see the attached map showing the alignment of Reach 9A dated 12-15-2016 (CD), that is by reference made a part hereof.

Reclamation hereby requests a grant of TCE - Parcel No. Rch 9A - Tribal Trust (T), being approximately 71,553.75-feet in length, containing 107.61 acres more or less, across, over and through Navajo Tribal Trust Tract No.'s 791-T8153, 791-T8156, and 791-T8179, in the area of the Naschitti and Tohatchi Navajo Tribal Chapters, which are located in San Juan County, and McKinley County, New Mexico.

The TCE will supplement the working space provided by ROW - Parcel No. Rch 9A - Tribal Trust (P), for the construction of a 48 inch in diameter, or smaller, water transmission pipeline and appurtenances thereto. Ancillary appurtenances may include but are not limited to thrust features, vaults, valves, fiber optic supervisory control and data acquisition systems (SCADA), cathodic protection systems, single phase utility power to support the operation of the pipeline infrastructure, and a patrol road.

Reach 9A is illustrated on ROW drawings 1695-529-60166, 1695-529-60167, and 1695-529-60168, that are attached hereto and by reference, made a part hereof. The Reach 9A pipeline alignment will begin at Station 89983+10.00, a point on the East side of U.S. Highway 491, and North of the town of Naschitti, New Mexico, located in the Northeast Quarter of Section 07, Township 21 North, of Range 17 West; and will terminate at Station 90702+40.36, located South of the Gallup Compressor Station and East of U.S. Highway 491, in the Southeast Quarter of Section 09, Township 19 North, of Range 17 West; as illustrated on Plan and Profile Drawing No.'s 1695-529-60098 through 1695-D-T27888 (CD), attached hereto and by reference are made a part hereof. The Plan and Profile Drawings illustrate the Reach 9A pipeline alignment, and the locations of ancillary appurtenances and public utilities.

Ownership of Permanent Improvements: Reach 9A of the NGWSP across Tribal Trust Lands will consist of a 48 inch or less I.D. water transmission pipeline with ancillary features and appurtenances, constructed and owned by the Bureau of Reclamation. It is Reclamation's intent to transfer the operation, maintenance, and replacement (OM&R) responsibility of the Project to the Navajo Tribal Utility Authority (NTUA). It is envisioned that Reclamation would retain title to the facilities for the foreseeable future, however, the Act does provide authority for eventual title transfer to the Navajo Nation.

Construction Schedule:

Obtain ROW: August 1, 2017

Obtain Bids and Establish Contracts: October 30, 2017

Award Contract: December 18, 2017

Notice to Proceed Issue: January 5, 2018

Begin Construction: February 5, 2018

Construction 50% Completed by: December 1, 2019

Construction Complete: February 5, 2021

Across the following described Navajo Tribal Trust Lands: Parcel No. RCH 9A-Tribal Trust-01(T), a TCE, being described as a parcel of land crossing Navajo Nation Tribal Trust Land, and lying in Sections 07, 08, 17, 20, 28, 29, and 33, Township 21, North, Range 17 West, N.M.P.M., San Juan County, New Mexico; and, Sections 04, 09, 16, 21, 28, and 33 of Township 20 North, Range 17 West; and Sections 04 and 09 of Township 19 North, Range 17 West, N.M.P.M., McKinley County, New Mexico.

Parcel No. RCH 9A-Tribal Trust-01(T) is described on ROW Drawing No.'s 1695-529-60166, 1695-529-60167, and 1695-529-60168, and illustrated on Plan and Profile Drawing No.'s 1695-529-60098 through 1695-D-T27888 (CD).

Reclamation requests a TCE of varying width in order to avoid cultural resources occurring in the area of the water transmission pipeline alignment, and to provide sufficient working space for the construction of said reach 9A. The width of the TCE will be increased at wash crossings for the construction of bank stabilization structures. The width of the TCE will be decreased in areas where the width of the construction area is reduced due to U.S. Highway 264 and/or where rock outcroppings restrict the working area.

Description - TCE - Parcel No. RCH 9A - Tribal Trust - 01(T): Pipeline – Drawing No. 1695-529-60166

(Sheet 1), 1695-529-60167 (Sheet 2), and 1695-529-60168 (Sheet 3): Reach 9A TCE will be approximately 71,553.75 feet (13.55 miles) in length, and of varying width, containing 107.61 acres more or less. More particularly described as follows:

A strip of land being 150 feet wide, lying 75 feet each side from station 89983+10.00 to station 90028+50.00; thence being 80 feet wide, lying 40 feet each side from station 90028+50.00 to station 90030+00.00; thence being 150 feet wide, lying 75 feet each side from station 90030+00.00 to station 90038+90.00; thence being 115 feet wide, lying 40 feet right and 75 feet left from station 90038+90.00 to station 90044+30.00; thence being 80 feet wide, lying 40 feet each side from station 90044+30.00 to station 90045+50.00; thence being 150 feet wide, lying 75 feet each side from station 90045+50.00 to station 90095+00.00; thence being 115 feet wide, lying 40 feet right and 75 feet left from station 90095+00.00 to station 90096+50.00; thence being 150 feet wide, lying 75 feet each side from station 90096+50.00 to station 90098+25.00; thence being 125 feet wide, lying 75 feet right and 40 feet left from station 90098+25.00 to station 90102+30.00; thence being 150 feet wide, lying 75 feet each side from station 90102+30.00 to station 90258+37.92; thence being 150 feet wide, lying 75 feet each side from station 90258+37.92 to station 90289+24.00; thence being 125 feet wide, lying 50 feet right and 75 feet left from station 90289+24.00 to station 90293+29.00; thence being 150 feet wide, lying 75 feet each side from station 90293+29.00 to station 90363+49.00; thence being 125 feet wide, lying 50 feet right and 75 feet left from station 90363+49.00 to station 90367+79.00; thence being 150 feet wide, lying 75 feet each side from station 90367+79.00 to station 90522+05.00; thence being 115 feet wide, lying 75 feet right and 40 feet left from station 90522+05.00 to station 90530+75.00; thence being 150 feet wide, lying 75 feet each side from station 90530+75.00 to station 90532+14.65; thence being 150 feet wide, lying 75 feet each side from station 90532+14.65 to station 90610+75.00; thence being 125 feet wide, lying 50 feet right and 75 feet left from station 90610+75.00 to station 90611+65.00; thence being 150 feet wide, lying 75 feet each side from station 90611+65.00 to station 90638+00.00; thence being 100 feet wide, lying 50 feet each side from station 90638+00.00 to station 90647+00.00; thence being 150 feet wide, lying 75 feet each side from station 90647+00.00 to station 90702+40.36 of the centerline.

Legal Description –Parcel No. RCH 9A-Tribal Trust-01: Pipeline Centerline - Drawing No. 1695-529-60166 (Sheet 1), 1695-529-60167 (Sheet 2), and 1695-529-60168 (Sheet 3):

The Point of Beginning being Reach 9A station 89983+10.00, from which the Northeast corner of Section 07 bears North 04°46'18" East a distance of 859.39 feet; thence, from the point of beginning South 17°20'24" East a distance of 212.38 feet to station 89985+22.38, a point on the West line of said Section 08, from which the Northwest corner of said Section 08 bears North 00°26'35" East a distance of 1059.17 feet; thence, continuing South 17°20'24" East a distance of 1712.62 feet to station 90002+35.00; thence South 06°41'52" East a distance of 180.00 feet to station 90004+15.00; thence South 17°19'43" East a distance of 960.00 feet to station 90013+75.00; thence South 73°12'24" East a distance of 325.00 feet to station 90017+00.00; thence South 17°02'16" East a distance of 713.00 feet to station 90024+13.00; thence South 06°18'48" East a distance of 496.00 feet to station 90029+09.00; thence South 16°11'28" East a distance of 243.93 feet to station 90031+52.93, a point on the North line of said Section 17, from which the North Quarter corner of said Section 17 bears South 89°31'00" East a distance of 1144.90 feet; thence continuing South 16°11'28" East a distance of 647.07 feet to station 90038+00.00; thence South 46°26'47" East a distance of 273.00 feet to station 90040+73.00; thence South 00°00'40" East a distance of 185.00 feet to station 90042+58.00; thence South 28°52'40" West a distance of 297.00 feet to Reach 9A Equation Station 90045+55.00, wherein station 90045+55.00 is renumbered to station 90044+50.00; thence South 10°59'59" West a distance of 388.00 feet to station 90048+38.00; thence South 12°02'50" East a distance of 443.00 feet to station 90052+81.00; thence South 17°20'24" East a distance of 1490.00 feet to station 90067+71.00; thence South 31°52'25" East a distance of 467.05 feet to station 90072+38.04; thence South 44°13'24" East a distance of 357.65 feet to Reach 9A Equation Station 90075+95.70, wherein station 90075+95.70 is renumbered to station 90075+91.00; thence South 44°12'19" East a distance of 700.00 feet to station 90082+91.00; thence South 08°20'40" East a distance of 656.38 feet to station 90089+47.38, a point on the North line of said Section 20, from which the North Quarter corner of said Section 20 bears North 89°31'35" West a distance of 674.16 feet; thence continuing South 08°20'40" East a distance of 451.62 feet to station 90093+99.00; thence South 23°47'34" West a distance of 577.64 feet to Reach 9A Equation Station 90099+76.64, wherein station 90099+76.64 is renumbered to station 90100+60.00; thence South 15°19'56" East a distance of 1202.00 feet to station 90112+62.00; Thence South 17°31'11" East a distance of 3308.54 feet to station 90145+70.54, a point on the North line of section 29, from which the Northeast corner of said Section 29 bears South 89°30'55" East a distance of 776.27 feet; thence continuing South 17°31'11" East a distance of 1493.46 feet to station 90160+64.00; thence South 16°29'52" East a distance of 1025.00 feet to station 90170+89.00; thence South 17°20'38" East a distance of 54.98 feet to station 90171+43.98, a point on the West line of said Section 28, from which the East Quarter corner of said Section 28 bears South 00°26'53" West a distance of 187.38 feet; thence continuing South 17°20'38" East a distance of 586.02 feet to station 90177+30.00; thence South 32°03'17" East a distance of 865.00 feet to station 90185+95.00; thence South 22°03'43" East a distance of 300.00 feet to station 90188+95.00; thence South 12°45'18" East a distance of 1297.89 feet to station 90201+92.89, a point on the North line of Section 33, from which the Northwest corner of said Section 33 bears North 89°29'05" West a distance of 1055.31 feet; thence continuing South 12°45'18" East a distance of 1012.11 feet to station 90212+05.00; thence South 22°14'09" East a distance of 321.26 feet to station 90215+26.26; thence South 09°21'01"

East a distance of 615.79 feet to Reach 9A Equation Station 90221+42.05, wherein station 90221+42.05 is renumbered to station 90222+44.00; thence South 19°12'35" East a distance of 145.00 feet to station 90223+89.00; thence South 26°26'31" East a distance of 1300.00 feet to station 90236+89.00; thence South 12°12'08" East a distance of 2148.92 feet to station 90258+37.92, a point on the North line of said Section 04, Township 20 North, Range 17 West, from which the South Quarter corner of Section 04 bears South 89°29'58" East a distance of 17.54 feet; thence continuing South 12°12'08" East a distance of 741.08 feet to station 90265+79.00; thence South 03°45'40" East a distance of 1345.00 feet to station 90279+24.00; thence South 09°09'58" East a distance of 1002.00 feet to station 90289+26.00; thence South 06°05'49" East a distance of 234.00 feet to station 90291+60.00; thence South 20°37'24" East a distance of 1293.00 feet to station 90304+53.00; thence South 12°00'45" East a distance of 1240.72 feet to station 90316+93.72; a point on the North line of said Section 09, from which the North Quarter corner of said Section 09 bears South 89°31'45" East a distance of 163.51 feet; thence continuing South 12°00'45" East a distance of 29.28 feet to station 90317+23.00; thence South 25°46'58" East a distance of 376.00 feet to station 90320+99.00; thence South 12°13'05" East a distance of 2259.00 feet to station 90343+58.00; thence South 09°51'49" East a distance of 1668.00 feet to station 90360+26.00; thence South 46°53'01" West a distance of 340.00 feet to station 90363+66.00; thence South 04°51'14" East a distance of 356.00 feet to station 90367+22.00; thence South 10°02'15" East a distance of 488.89 feet to station 90372+10.89, a point on the North line of said Section 16, from which the North Quarter corner of said Section 16 bears North 89°32'33" West a distance of 680.46 feet; thence continuing South 10°02'15" East a distance of 368.11 feet to station 90375+79.00; thence South 02°14'53" West a distance of 309.00 feet to station 90378+88.00; thence South 08°58'16" West a distance of 1492.00 feet to station 90393+80.00; thence South 02°40'37" West a distance of 300.00 feet to station 90396+80.00; thence South 06°48'11" East a distance of 760.00 feet to station 90404+40.00; thence South 02°39'45" West a distance of 850.00 feet to station 90412+90.00; thence South 25°00'59" West a distance of 300.00 feet to station 90415+90.00; thence South 03°26'00" West a distance of 609.00 feet to station 90421+99.00; thence South 22°13'42" East a distance of 379.22 feet to station 90425+78.22, a point on the North line of said Section 21, from which the North Quarter corner of said Section 21 bears North 89°32'28" West a distance of 560.09 feet; thence continuing South 22°13'42" East a distance of 26.78 feet to station 90426+05.00; thence South 02°13'39" West a distance of 646.00 feet to station 90432+51.00; thence South 06°27'12" East a distance of 450.00 feet to station 90437+01.00; thence South 02°40'06" West a distance of 600.00 feet to station 90443+01.00; thence South 09°23'02" West a distance of 2138.00 feet to station 90464+39.00; thence South 00°40'00" West a distance of 253.00 feet to station 90466+92.00; thence South 08°34'37" East a distance of 1214.25 feet to station 90479+06.25, a point on the North line of Section 28, from which the North Quarter corner of said Section 28 bears North 89°33'49" West a distance of 439.71 feet; thence continuing South 08°34'37" East a distance of 22.75 feet to station 90479+29.00; thence South 02°40'10" West a distance of 1949.00 feet to station 90498+78; thence South 12°15'33" West a distance of 850.00 feet to station 90507+28.00; thence South 04°17'28" West a distance of 700.00 feet to station 90514+28.00; thence South 08°34'10" West a distance of 769.00 feet to station 90521+97.00; thence South 02°28'34" West a distance of 1017.65 feet to station 90532+14.65, a point on the North line of said Section 33, from which the North Quarter corner of said Section 33 bears South 89°32'07" East a distance of 4.53 feet; thence continuing South 02°28'34" West a distance of 2674.35 feet to station 90558+89.00; thence South 18°32'23" East a distance of

628.00 feet to station 90565+17.00; thence South 02°35'20" West a distance of 798.00 feet to station 90573+15.00; thence South 12°15'45" West a distance of 1242.60 feet to station 90585+57.60, a point on the North line of said Section 04, from which the North Quarter corner of said Section 04 bears South 89°31'59" East a distance of 168.21 feet; thence continuing South 12°15'45" West a distance of 257.40 feet to station 90588+15.00; thence South 02°37'21" West a distance of 985.00 feet to station 90598+00.00; thence South 25°31'31" East a distance of 993.00 feet to station 90607+93.00; thence South 00°45'34" West a distance of 241.00 feet to station 90610+34.00; thence South 37°56'00" East a distance of 965.00 feet to Reach 9A Equation Station 90619+99.00, wherein station 90619+99.00 is renumbered to station 90622+15.00; thence South 21°26'50" East a distance of 959.00 feet to station 90631+74.00; thence South 09°10'21" West a distance of 722.00 feet to station 90638+96.00; thence South 27°35'45" West a distance of 626.96 feet to station 90645+22.96, a point on the North line of said Section 09, from which the North Quarter corner of said Section 09 bears North 89°31'12" West a distance of 740.49 feet; thence continuing South 27°35'45" West a distance of 47.04 feet to station 90645+70.00; thence South 13°37'40" West a distance of 419.00 feet to Reach 9A Equation Station 90649+89.00, wherein station 90649+89.00 is renumbered to station 90650+74.00; thence South 13°38'03" West a distance of 2178.00 feet to station 90672+52.00; thence South 47°54'10" East a distance of 696.00 feet to station 90679+48.00; thence South 12°24'43" West a distance of 553.00 feet to station 90685+01.00; thence South 07°49'58" West a distance of 1089.00 feet to station 90695+90.00; thence South 16°15'55" West a distance of 650.36 feet to station 90702+40.36, the Point of Terminus, and a point on the North line of said Section 16, from which the North Quarter corner of said Section 16 bears North 89°31'14" West a distance of 222.03 feet. The sidelines of said strip shall be extended or shortened to the North line of said Section 04, Township 20 North, Range 17 West, and to the South line of Section 09, Township 19 North, Range 17 West.

Landowner Consent: The Navajo Nation gave its concurrence to permission to survey the San Juan Lateral of the NGWSP on August 14, 2009. On March 1, 2010, the Bureau of Indian Affairs, Fort Defiance Agency granted Reclamation Permission to Survey over, across and through Reaches 9, 10, 11, and 12, for the purpose of conducting surveys and studies to determine a final pipeline alignment. The final pipeline alignment across said Reaches is illustrated on the alignment map of Reach 9 through 11, dated December 15, 2016, and the aforementioned ROW and Plan and Profile Drawings attached hereto (CD), and by reference are made a part hereof.

Reclamation requested a Title Status Report (TSR) for the subject Tribal Trust Lands on July 21, 2016 in order to verify the ownership status of the lands to be crossed by Reaches 9 through 11 that includes Reach 9A. The TSR was received at Reclamation on August 8, 2016, and verifies that all lands being crossed by Reaches 9 through 11 are Tribal Trust Lands. Please see the TSR which is attached hereto and by reference is made a part hereof. The final pipeline alignment across said Reaches is illustrated on the alignment map of Reach 9 through 11, dated December 15, 2016, and the aforementioned ROW and Plan and Profile Drawings attached hereto (CD).

Reclamation hereby requests the consent of the Navajo Nation to a grant of Temporary Construction Easement (TCE) for Reach 9A, over, across and through the aforementioned Tribal Trust Lands, and that in granting said consent, the Navajo Nation waives compensatory consideration of the fair market value of the easement, and agrees to forego the requisite appraisal of the TCE.

Environmental Clearance: The Record of Decision (ROD) and Final Environmental Impact Statement (FEIS) (Bureau of Reclamation 2009) for the Navajo-Gallup Water Supply Project, is attached hereto (CD) and by reference is made a part hereof. The ROD and FEIS can also be viewed on the world-wide web at <http://www.usbr.gov/uc/envdocs/eis/navgallup/FEIS/index.html>. The alignment of Reaches 9 through 11 has not changed substantially from what was presented in the FEIS and ROD.

As discussed with Pamela A. Kyselka, Wildlife Biologist, Navajo Natural Heritage Program, Department of Fish and Wildlife, on December 7, 2016, Reclamation will conduct a NEPA Sufficiency Review over Reaches 9 through 11 to determine if the proposed action would have any new potentially significant impacts, not already discussed and considered in previous NEPA documentation.

Biological Resource Compliance: Please see attached BRCF – NNDFW Review No. 17usbr01, dated February 14, 2017 that documents the approval by the NNDFW that the NGWSP Block 9 through 11 proposed to be constructed in the area of the Naschitti and Tohatchi Navajo Chapters is in compliance with Tribal and Federal laws protecting biological resources including the Navajo Endangered Species and Environmental Policy Codes, U.S. Endangered Species, Migratory Bird Treaty, Eagle Protection and National Environmental Policy Acts. The NNDFW concurs with the mitigation recommendations outlined in the BE, Section 6.5 and is approved by Ms. Gloria M. Tom, Director, Navajo Nation Department of Fish and Wildlife.

Cultural Resources Compliance: Please see letter dated April 25, 2016 that includes a summary of the Class III Inventory Report and eligibility determinations for Reaches 9 through 11, attached hereto, and by reference made apart hereof. The survey was conducted by PaleoWest under the authority of Navajo Nation Cultural Resources Permit No. B13543. The inventory identified a total of 292 cultural resources, including isolated occurrences, archaeological sites, in-use sites, Navajo Traditional Cultural Properties, and Jishchaa' within the Reach 9 through 11 Area of Potential Effect.

Reclamation submitted said report to the Navajo Nation Historic Preservation Department and concurrence was received from the Tribal Historic Preservation Officer on August 30, 2016, said letter is attached hereto, and by reference, made a part hereof. The report was also consulted upon with all NGWSP signatory and consulting parties in compliance with the Programmatic Agreement for the NGWSP. Following the completion of consultation with Navajo Nation and the NGWSP Programmatic Agreement parties, a final version of the report, with the changes noted in the Navajo Nation's August 30, 2016, concurrence, was submitted to all participants on October 11, 2016.

Per the internal BIA memo from the Supervisory Environmental Protection Specialist, Branch of Environmental Quality, Act Compliance and Review, written to the Supervisory Civil Engineer, Engineering & Technical Support Division, dated October 29, 2015, attached hereto and by reference made a part hereof, the subject report, with concurrence from the Navajo Nation Historic Preservation Department, is considered acceptable for compliance with the National Historic Preservation Act (NHPA).

Waiver of Title 25, Code of Federal Regulations, 25 C.F.R. Part 169.103 (Bonding Requirements): The Bureau of Indian Affairs, in cooperation with the Bureau of Reclamation and with the support of the Navajo Nation, requested a waiver from the Assistant Secretary – Indian Affairs under 25 C.F.R. § 1.2 and 25 C.F.R. Part 169 § 169.103 bonding requirement, for all NGWSP ROW's.

Said waiver of Title 25, *Code of Federal Regulations*, 25 C.F.R. Part 169.103 (Bonding Requirements) was approved by the Principle Deputy Assistant Secretary – Indian Affairs in a memo dated November 22, 2016. A copy of said waiver is attached (CD), and by reference is made a part hereof.

The Bureau of Reclamation, an agency of the Federal Government, hereby assures that it will pay damages promptly, when they are sustained, under the provisions of the Federal Tort Claims Act (June 25, 1948, Ch. 646, Title IV, 62 Stat. 982, "28 U.S.C. Pt. VI Ch.171" and 28 U.S.C. Part 1346(b)).

SAID APPLICANT UNDERSTANDS AND EXPRESSLY AGREES TO THE FOLLOWING STIPULATIONS:

1. To construct and maintain improvements within the right-of-way in a professional manner consistent with industry standards;
2. ~~To pay promptly all damages and compensation, in addition to bond or alternative form of security made pursuant to 169.103, determined by the BIA to be due the landowners and authorized users and occupants of the land as a result of the granting, construction and maintenance of the right-of-way;~~
3. To restore the land as nearly as may be possible to its original condition, upon the completion of construction, to the extent compatible with the purpose for which the right-of-way was granted, or reclaim the land if agreed to by the landowners;
4. To clear and keep clear the land within the right-of-way, to the extent compatible with the purpose of the right-of-way, and dispose of all vegetative and other material cut, uprooted, or otherwise accumulated during construction and maintenance of the project;
5. Comply with all applicable laws and obtain all required permits;
6. Not commit waste.
7. Operate, repair and maintain improvements consistent with the right-of-way grant;
8. Build and maintain necessary and suitable crossings for all roads and trails that intersect the improvements constructed, maintained, or operated under the right-of-way;
9. Restore the land to its original condition, as much as reasonably possible, upon cancellation or termination of the right-of-way, or reclaim the land if agreed to by the landowners;
10. At all times keep the BIA, and the tribe, for tribal land, informed of the grantees address;
11. Refrain from interfering with the landowner's use of the land, provided that the landowner's use of the land is not inconsistent with the right-of-way;
12. Comply with the following due diligence requirements:
 - Obtain bids and establish contracts: (date)
 - Award Contract: (date)
 - Issue notice to proceed: (date)
 - Begin construction: (date)
 - Complete 50% of construction (date)
 - Complete construction: (date)
13. Notify the BIA, and the tribe, for tribal land, if it files for bankruptcy or is placed in receivership.
14. Comply with all applicable federal and tribal law.

THE APPLICANT FURTHER STIPULATES AND EXPRESSLY AGREES AS FOLLOWS:

To conform and to abide by all applicable requirements with respect to the right-of-way herein applied for. The applicant agrees to conform to and abide by the rules, regulations, and requirements contained in the *Code of Federal Regulations*, Title 25 Indians, Part 169, as amended, and by reference includes such rules, regulations and requirements as a part of this application to the same effect as if the same were herein set out in full.

IN WITNESS WHEREOF, PATRICK J PAGE, PE has caused this instrument to be

executed this 15TH day of MAY 2017.

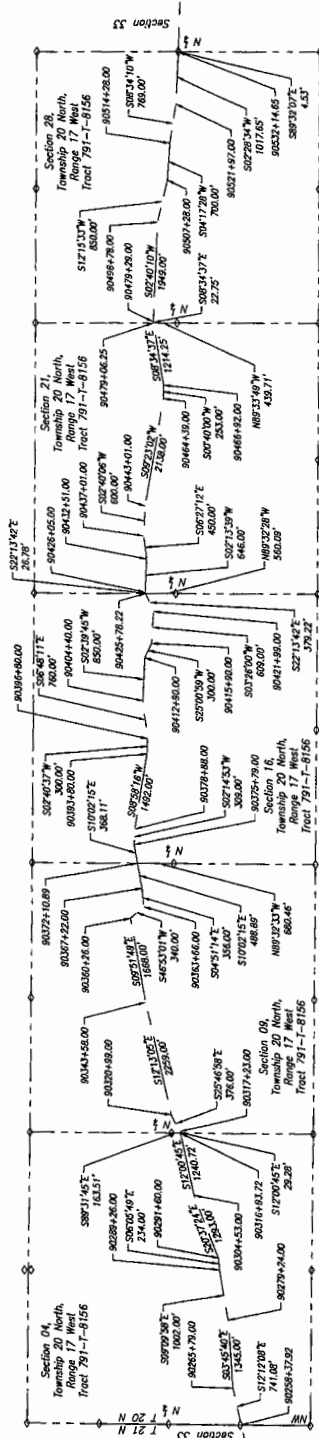
[Signature]
Witness

[Signature] ACTING FOR
Barry Longwell
Construction Engineer
U.S. Bureau of Reclamation
Four Corners Construction Office
1235 La Plata Hwy.
Farmington, NM, 87401

Required Supporting Documents:

1. () ~~Form 5-104b.~~
2. () ~~Evidence of Authority of Officers to execute Papers (ROW Form 94-4).~~
3. () ~~Evidence of good faith and financial responsibility.~~
4. () ~~Double estimated damages (deposit - 25 CFR 169.4).~~
5. () ~~State certified corporate charter or articles of incorporation.~~
6. () ~~Certified copy of resolution or by-laws of the corporation authorizing the filing of the application.~~
7. () ~~State certification that the applicant is authorized to conduct business in the State of xxx.~~
8. () ~~Certified copy of the articles of partnership or association.~~
9. (x) **Other attachments**
 - (x) NGWSP - Public Law 111-11 As amended thru 11-15-16 (CD)
 - (x) Application for Temporary Construction Easement
 - (x) ROW Drawing - Reach 9A - Dwg. No. 1695-529-60166
 - (x) ROW Drawing - Reach 9A - Dwg. No. 1695-529-60167
 - (x) ROW Drawing - Reach 9A - Dwg. No. 1695-529-60168
 - (x) Plan & Profile: No. 1695-D-T26510 thru No. 1695-D-T27888
 - (x) ROW Description - Reach 9A
 - (x) Map - NGWSP - Drawing No. 1695-529-537 - 03-13-17
 - (x) Map - Block 9-11 Alignment
 - (x) Map - Reach 9A Alignment
 - (x) Navajo Nation Executive Order No. 03-2012
 - (x) Chapter Resolution - Naschitti
 - (x) Chapter Resolution - Tohatchi
 - (x) TSR - Reach 9A - Dated 08-04-16
 - (x) Permission to Survey - Dated 09-17-09

- (x) Permission to Survey - Dated 03-01-10
- (x) Permission to Conduct Engineering Data Collection – Dated 10-05-16
- (x) Letter – Navajo Nation - Waiver of Bond Requirement - 25 CFR Part 169.103 - Dated 09-09-16
- (x) Waiver of 25 CFR 169.103 – Dated 12-20-16
- (x) Final Environmental Impact Statement and Record of Decision can be viewed at:
<http://www.usbr.gov/uc/envdocs/eis/navgallup/FEIS/index.html>.
- (x) FEIS - Volume 1, Volume 2, and Volume 3 (CD)
- (x) FEIS - Record of Decision (ROD) Dated 2009 (CD)
- (x) Phase I ESA – Nelson Consulting Dated November 2016 (CD)
- (X) BRCF - NNDFW Review No. 17usbr01 - Dated 02-14-17
- (x) Class III Inventory Report and Concurrence of Eligibility Determinations - Dated 04-25-16
- (x) Class III Inventory and Determination of Eligibility - Final Report - NHPA - Dated 10-11-16
- (x) Memorandum - Acceptable NEPA and NHPA Compliance Documents - Dated 10-29-15
- (x) Table - ROW Calculations with Station Equations - (Station to Station)
- (x) Table - Reach 9A - Summary - ROW and TCE Length and Acreage – Navajo Minerals
- (x) Table - Rch 9A - Summary by Legals and Tract
- (x) CD - Rch 9A Documents

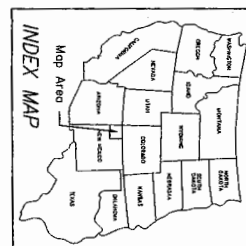


Wheat-Graham Water Supply District -- *Block 9* -- *Front 9th St. to 10th St. (Continuing from Sheet 1)*
A portion of land crossing North Dakota, Third Trust Lane Hwy in sections 07, 08, 17, 20, 29, 36 and 33, Township 27 North, Range 17 West N.M.P.M., San Juan County, New Mexico; and Sections 04, 08, 16, 21, 28 and 33, Township 20 North, Range 17 West and Sections 04 and 09, Township 18 North, Range 17 West, N.M.P.M., McKinley County.












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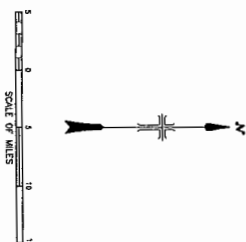
NOTE: Bearings shown on this drawing are developed from the New Mexico State Plane West Zone GND (NA083) and are based on surveys of existing monuments. Distances and Stations shown are ground (local). The Grid Factor for distances shown to New Mexico State Plane West Zone GND (NA083) is 0.999601815997.

No Monumentals will be set.




EXPLANATION

-  PRELINE
 POWER LINE
 U.S. HIGHWAY
 STATE HIGHWAY
 TOWNOUT
 TAKE
 PUMPING PLANT
 (NUMBER SHOWN FROM RES)
 JUNCTION
 MARSHALL MANTON RESERVATION
 JACOBELLA AVENUE RESERVATION



07	2016-11-04	ADDITION BEHINDING AND ENDING STATIONS FOR REACH 21
06	2016-09-26	
06	2016-08-20	REVISED REACH 22 AND PUMPING PLAN AND TREATMENT PLANT LOCATION
06	2016-07-23	
06	2016-06-20	REVISED REACH 24 ALUMINUM
06	2016-06-03	
04	2016-05-20	UPDATED REACHES 3, 4, AND 22 TO CORRESPOND WITH THE LATEST FEASIBILITY ADJUSTMENTS
04	2016-05-24	
03	2017-07-12	UPDATED REACH 23 PUMPING PLAN LOCATIONS, WPD, AND BENTON 0110 RODS TO REACH 2 AND 22B
03	2017-07-12	
02	2017-02-08	CHANGED PUMPING PLAN 8 TO 10 TONNAGE PUMPING PLAN

 ALWAYS THINK SAFETY

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

BUREAU OF RECLAMATION
YALOG-CALLIO WATER SUPPLY PROJECT

WILLIAM JUAN LATERAL

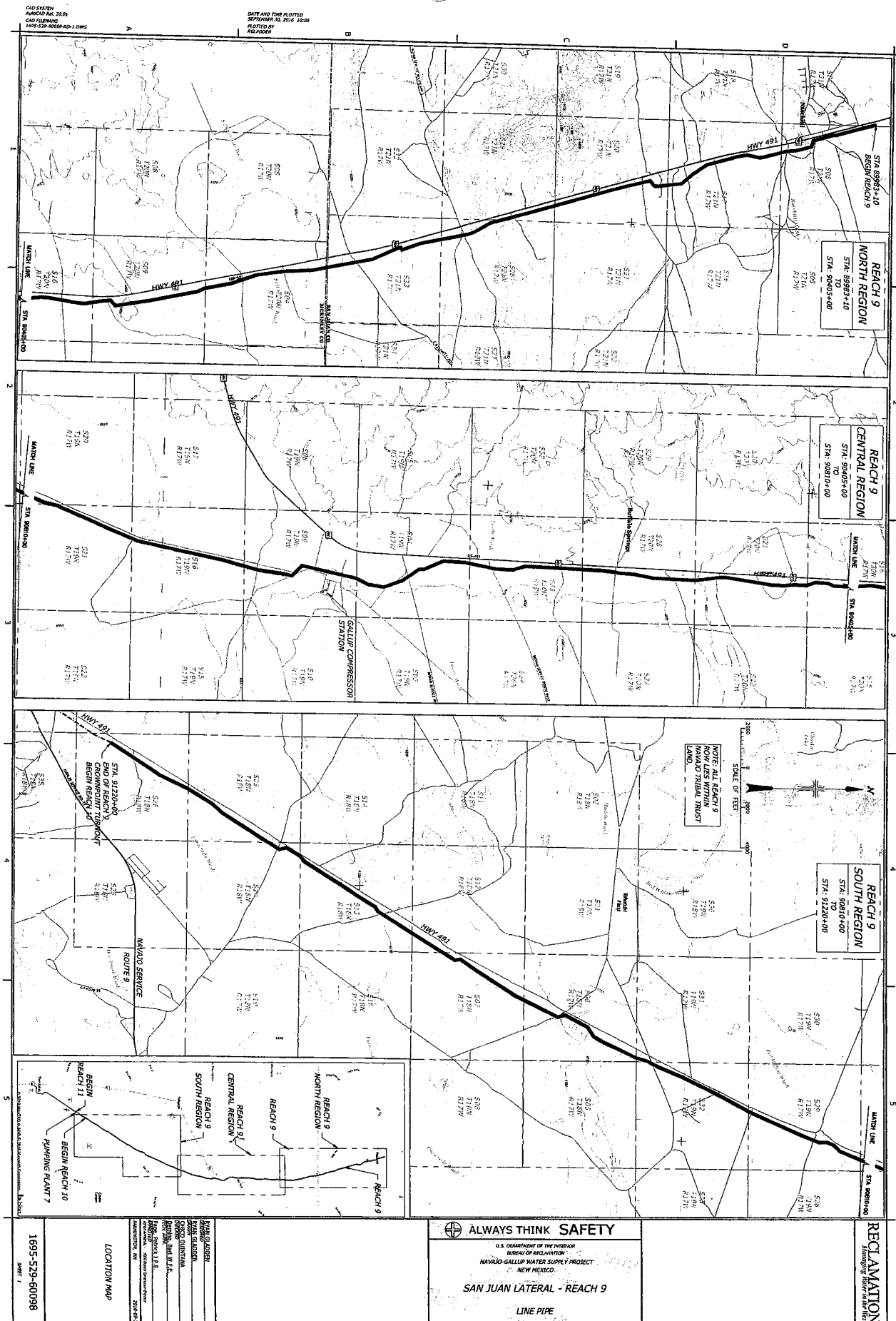
NEW MEXICO
GENERAL MAP

GENERAL MAP

1695-529-401

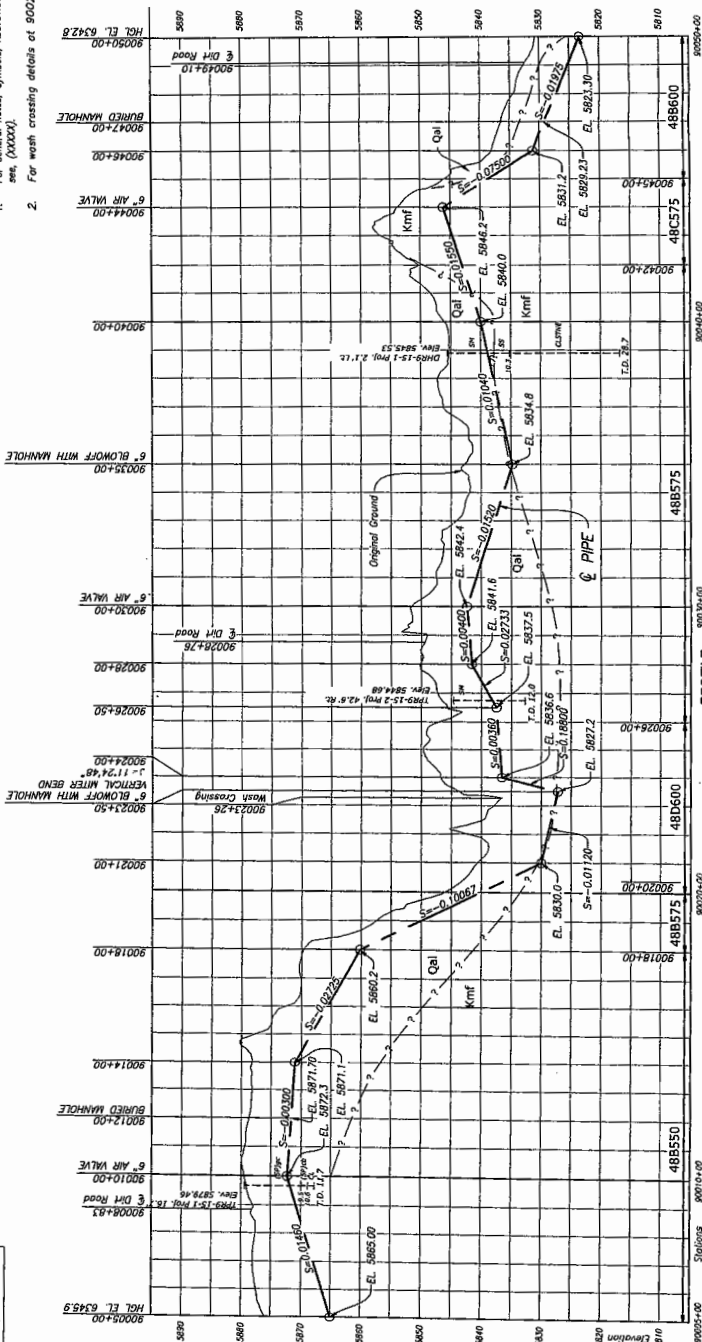
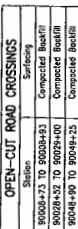
501 12345

RECLAMATION



NOTES

1. For General Notes, Symbols, Abbreviations, and Pipe Classification, see, (XXXXX).
2. For wash crossing details at 90023+26, see (XXXXX).

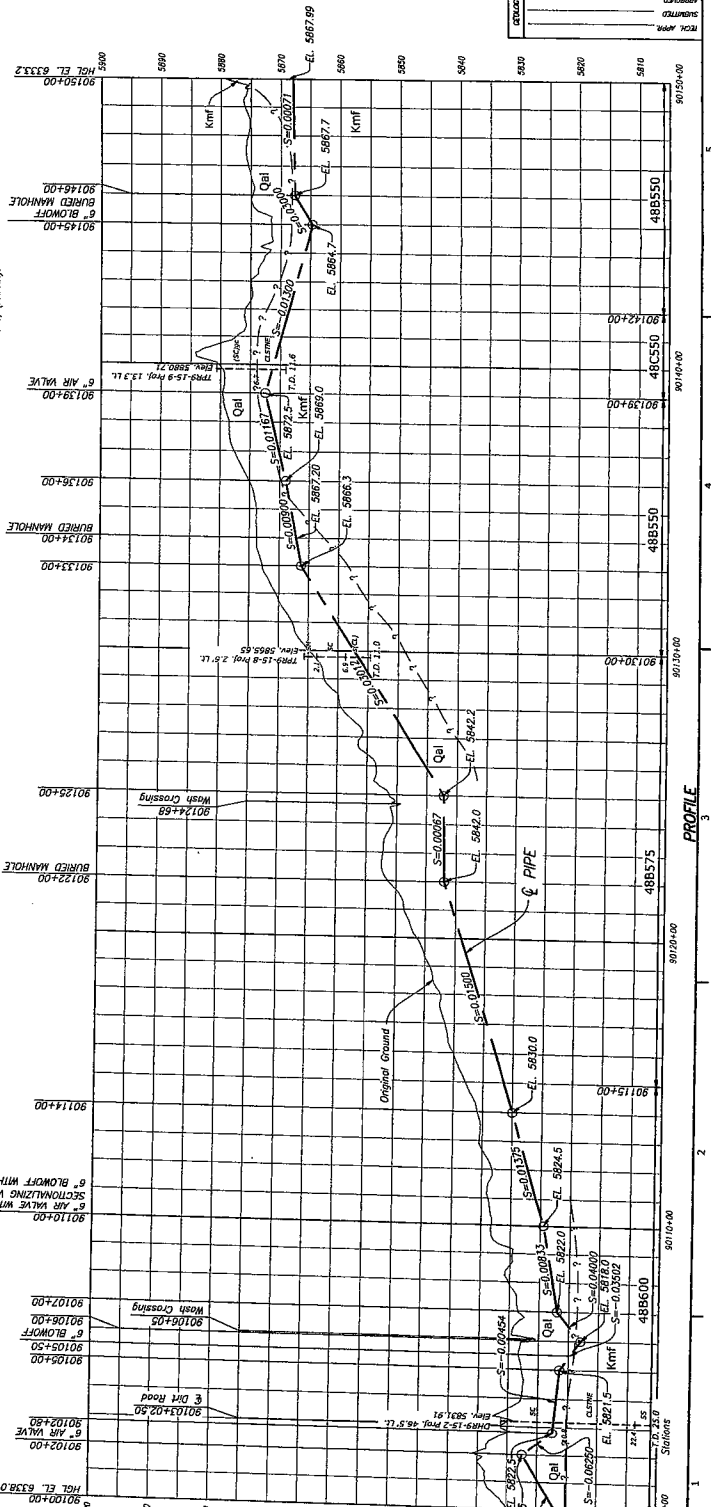


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90020400

[illegible]

00+560068



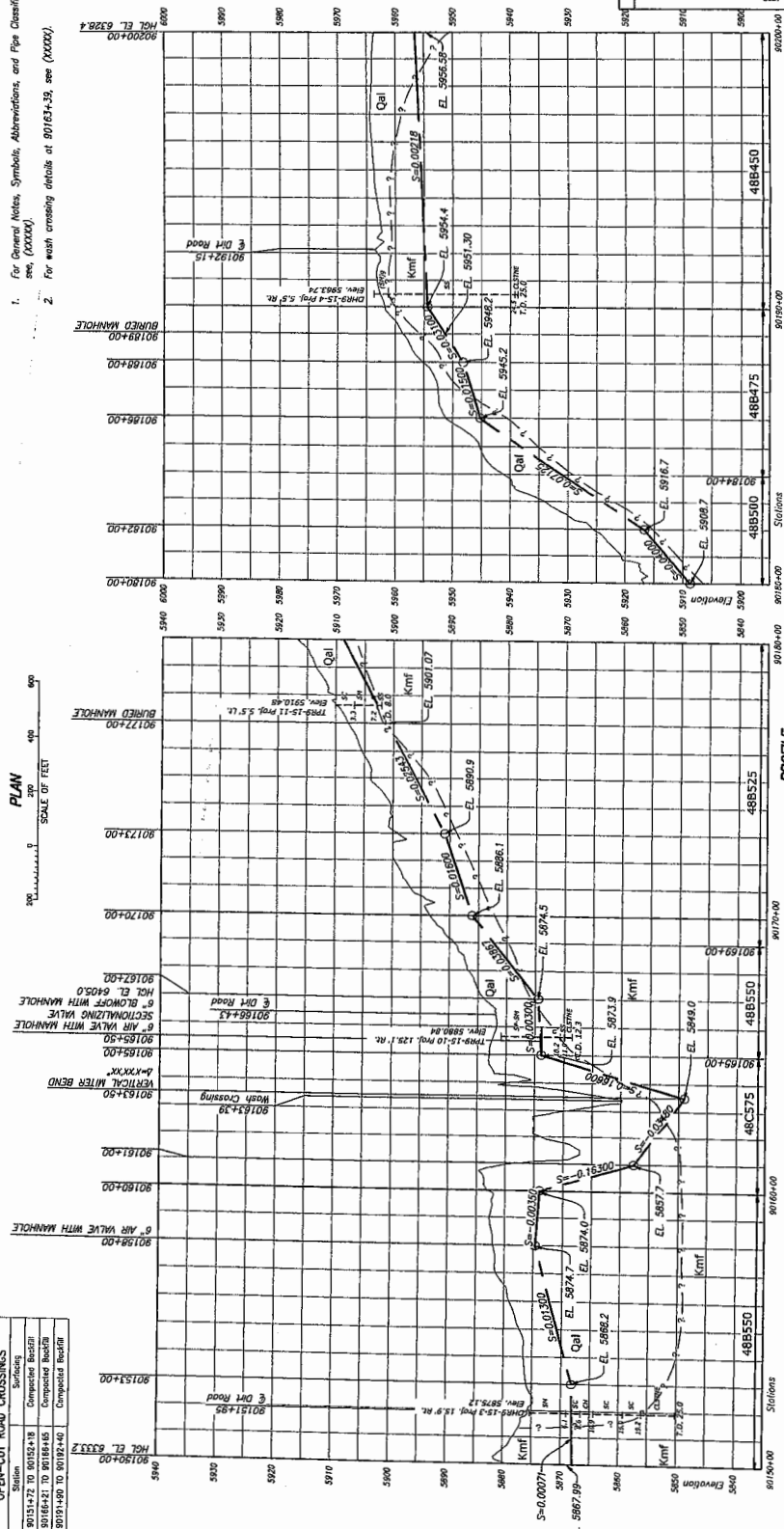
- NOTES
- For General Notes, Symbols, Abbreviations, and Pipe Classification, see (XXXX).
 - For wash crossing details at 90163+39, see (XXXX).

PLAN

SCALE OF FEET
0 100 200 300 400 500

OPEN-CUT ROAD CROSSINGS

Station	Surfacing
90154+72 TO 90162+18	Compacted Basalt
90162+21 TO 90164+65	Compacted Basalt
90164+67 TO 90167+40	Compacted Basalt



PROFILE

SCALE OF FEET
0 100 200 300 400 500

OPEN-CUT ROAD CROSSINGS

Station	Surfacing
90154+72 TO 90162+18	Compacted Basalt
90162+21 TO 90164+65	Compacted Basalt
90164+67 TO 90167+40	Compacted Basalt

NOTES

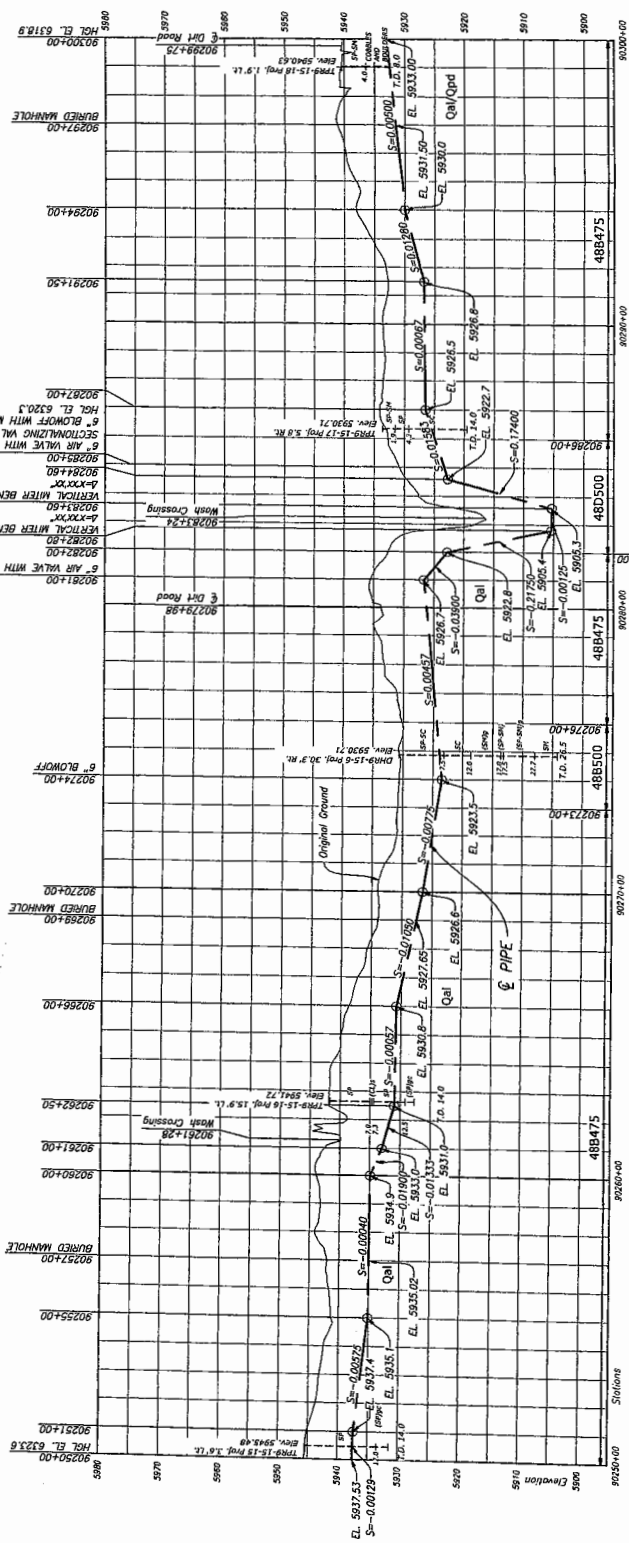
- For General Notes, Symbols, Abbreviations, and Pipe Classification, see (16220).
- For each crossing details at 90281+34, see (16220).

PLAN

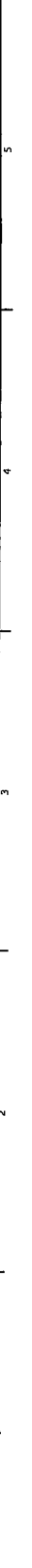
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OPEN-CUT ROAD CROSSINGS

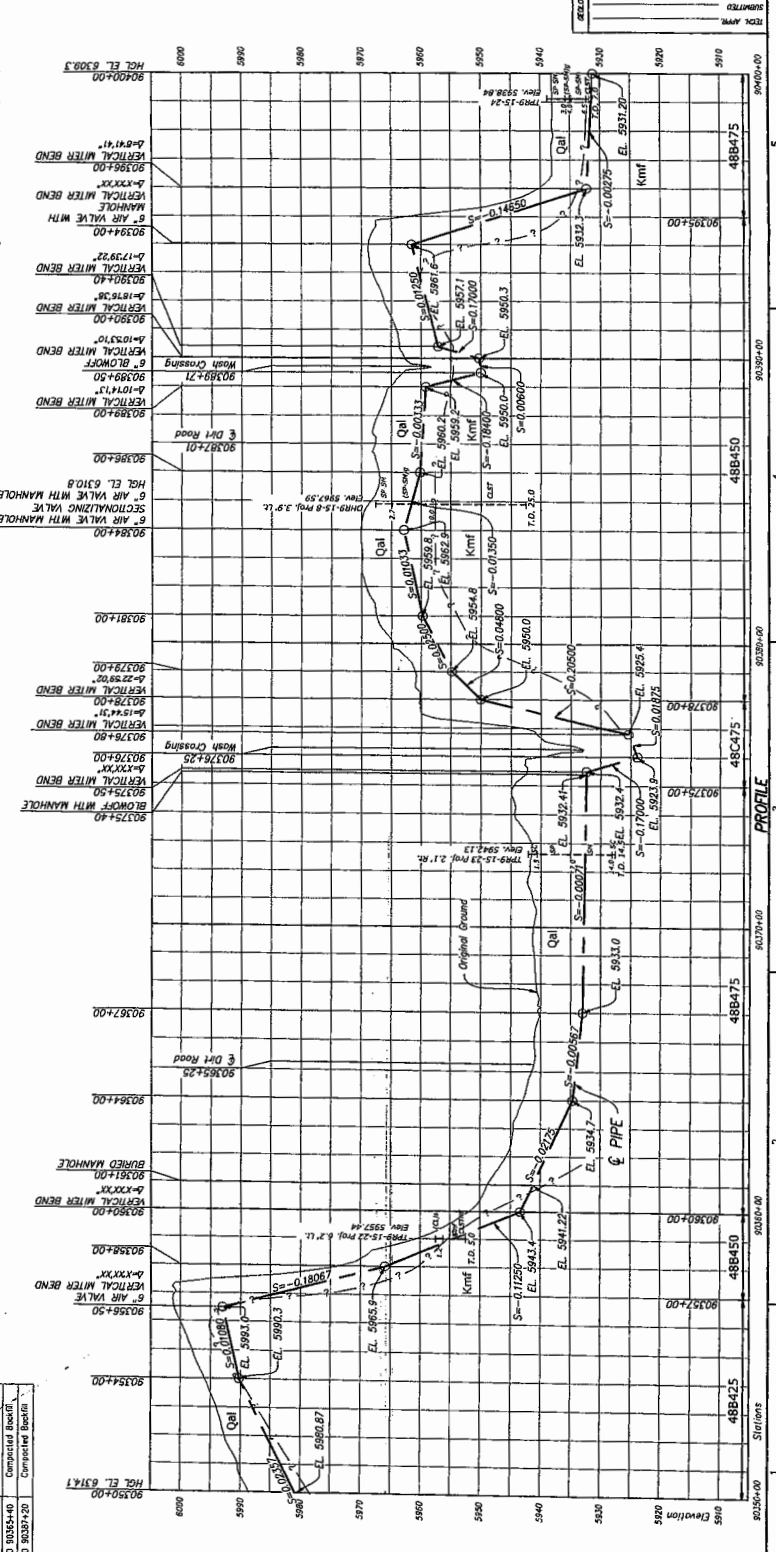
Station	Surfacing
90274+81 TO 90280+15	Completed Road
90280+16 TO 90289+82	Completed Road

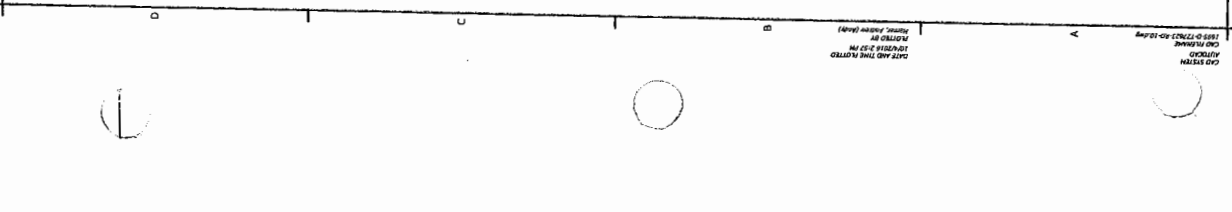


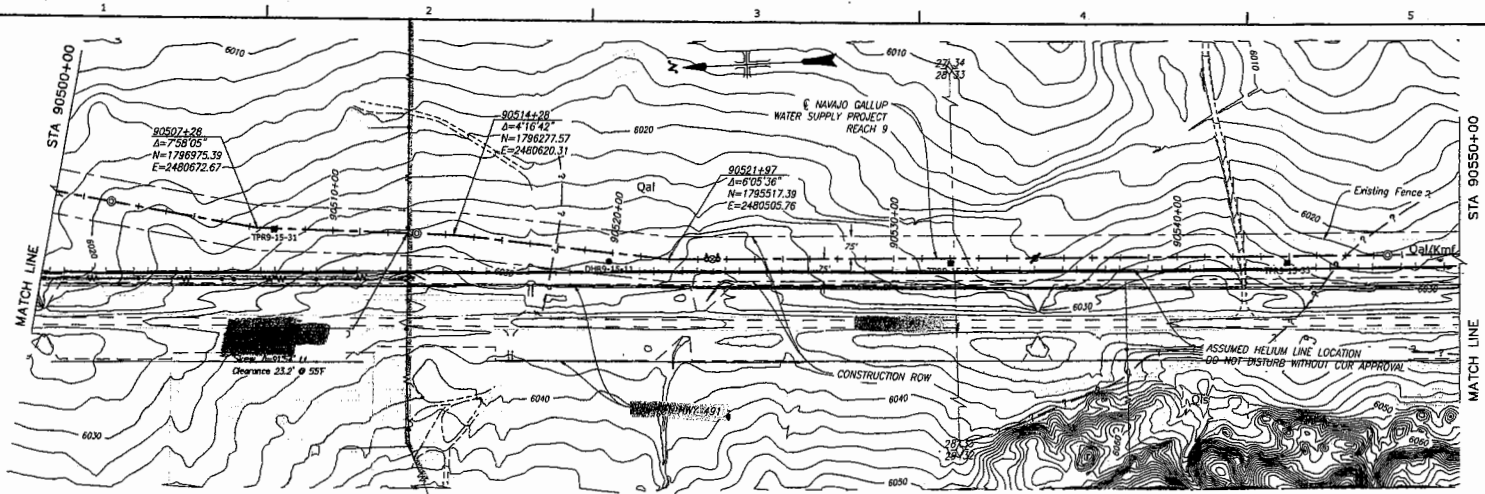
PROFILE



1. For General Notes, Symbols, Abbreviations, and Pipe Classification, see, (XXXXX).





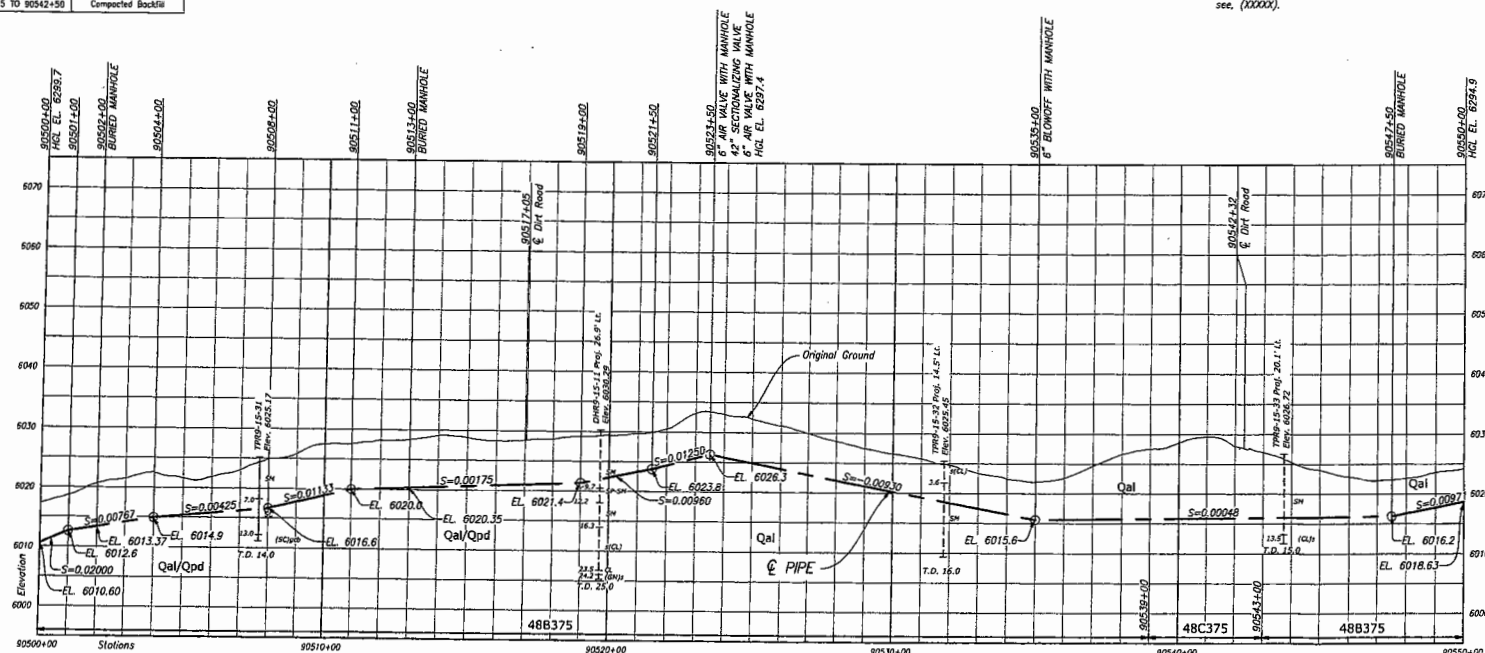


OPEN-CUT ROAD CROSSINGS	
Station	Surfacing
90516+90 TO 90517+20	Compacted Backfill
90542+15 TO 90542+50	Compacted Backfill

PLAN

NOTES

- For General Notes, Symbols, Abbreviations, and Pipe Classification, see, (XXXXX).



PROFILE

ALWAYS THINK SAFETY

NAVAJO GALLUP WATER SUPPLY PROJECT
SAN JUAN LATERAL - REACH 9
LINE PIPE

SHANNON HONAHAM
SHANNON HONAHAM
CHECKED
REK APPR
APPROVED
DEVELOP, CO

PLAN AND PROFILE

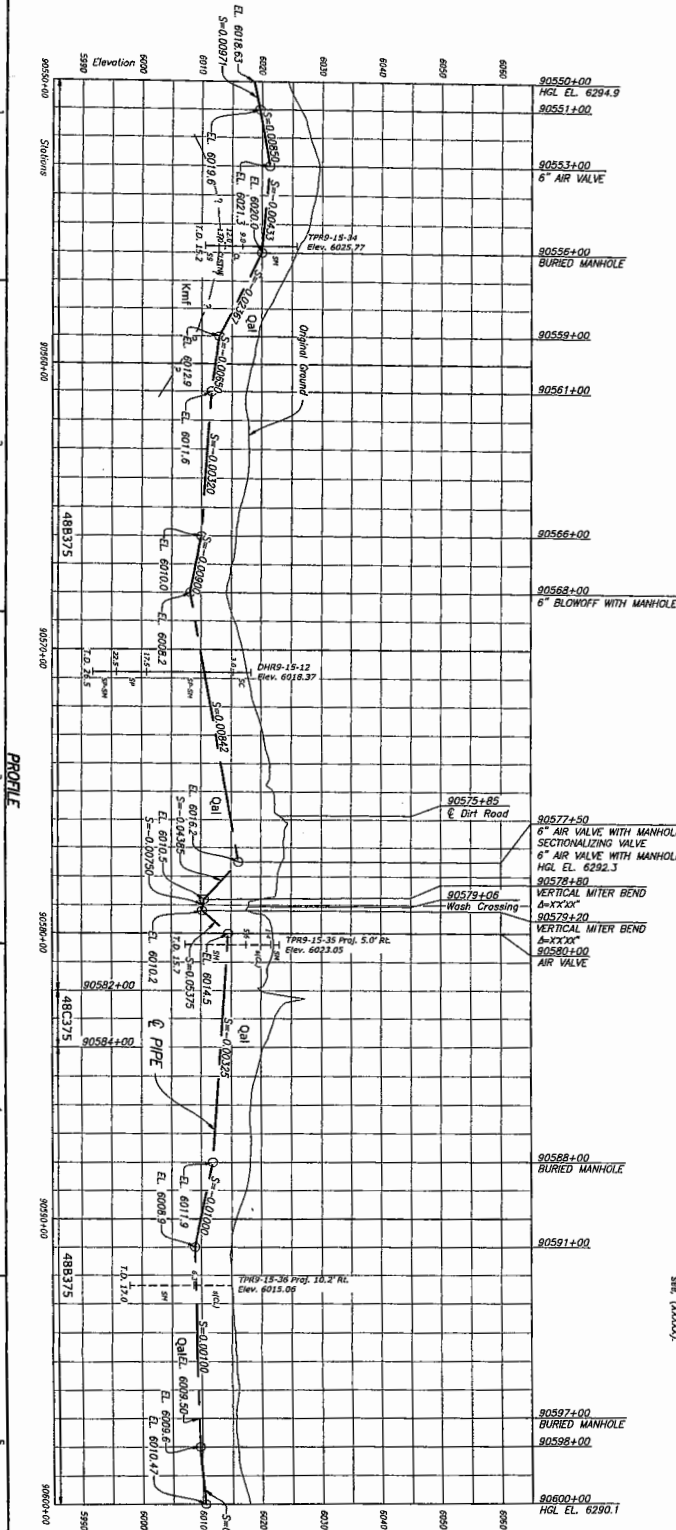
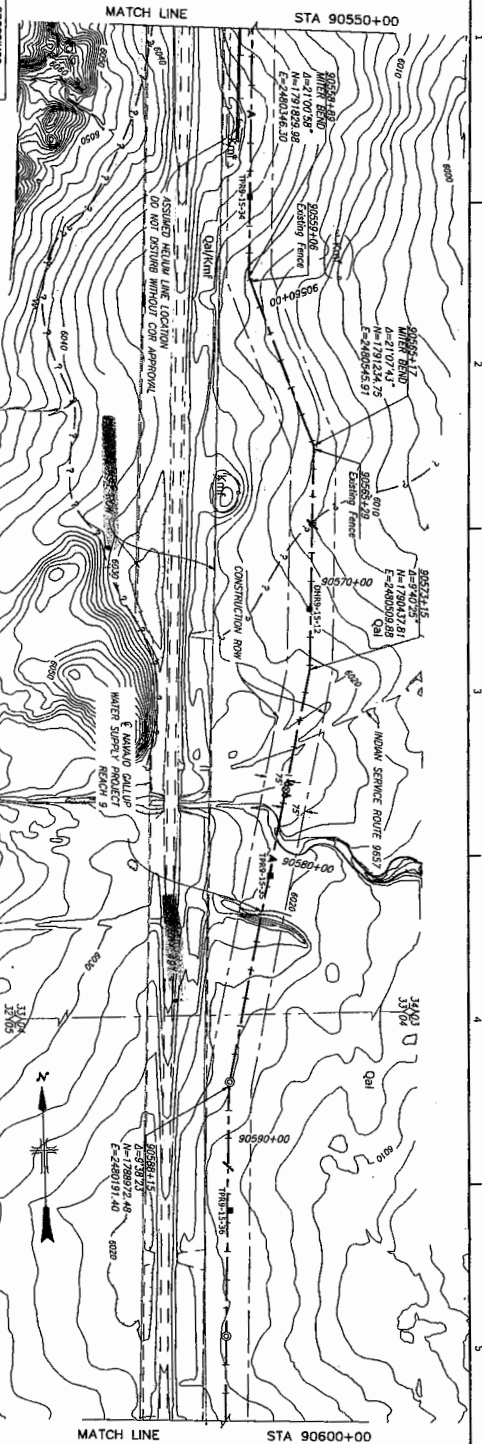
STA. 90500+00
TO
STA. 90550+00

1695-D-T27884
SHEET 12

CAD DRAWN
KUTSOBO
CADD FILENAME
1695-D-127885-00-12.dwg

DATE AND TIME PLOTTED
1/16/2016 10:22 AM
PLOTTED BY
Harter, Andrew (adhar)

Station	Structure	Component Backfill
90554+00 TO 90559+00	Open-Cut Road Crossings	Compacted Backfill



TECH. APPR.
SUBMITTED
APPROVED

1695-D-127885

STA. 90550+00
TO
STA. 90600+00

PLAN AND PROFILE

DATE: 01/16/2016

PROJECT: SAN JUAN LATERAL - REACH 9

DESIGNER: KUTSOBO

CHECKED: KUTSOBO

APPROVED: KUTSOBO

DATE: 01/16/2016

PROJECT: SAN JUAN LATERAL - REACH 9

DESIGNER: KUTSOBO

CHECKED: KUTSOBO

APPROVED: KUTSOBO

DATE: 01/16/2016

PROJECT: SAN JUAN LATERAL - REACH 9

DESIGNER: KUTSOBO

CHECKED: KUTSOBO

APPROVED: KUTSOBO

DATE: 01/16/2016

PROJECT: SAN JUAN LATERAL - REACH 9

DESIGNER: KUTSOBO

CHECKED: KUTSOBO

APPROVED: KUTSOBO

DATE: 01/16/2016

PROJECT: SAN JUAN LATERAL - REACH 9

DESIGNER: KUTSOBO

ALWAYS THINK SAFETY

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
NAVAJO-GALLUP WATER SUPPLY PROJECT
- NEW MEXICO -

SAN JUAN LATERAL - REACH 9

LINE PIPE

RECLAMATION
BUREAU OF RECLAMATION

RECLAMATION

Amalgam Water in the Area

ALWAYS THINK SAFETY

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
NEW MEXICO
SAN JUAN LATERAL - REACH 9

DESIGNED BY
CHECKED BY
APPROVED BY

PLAN AND PROFILE

STA. 90600+00
TO
STA. 90650+00

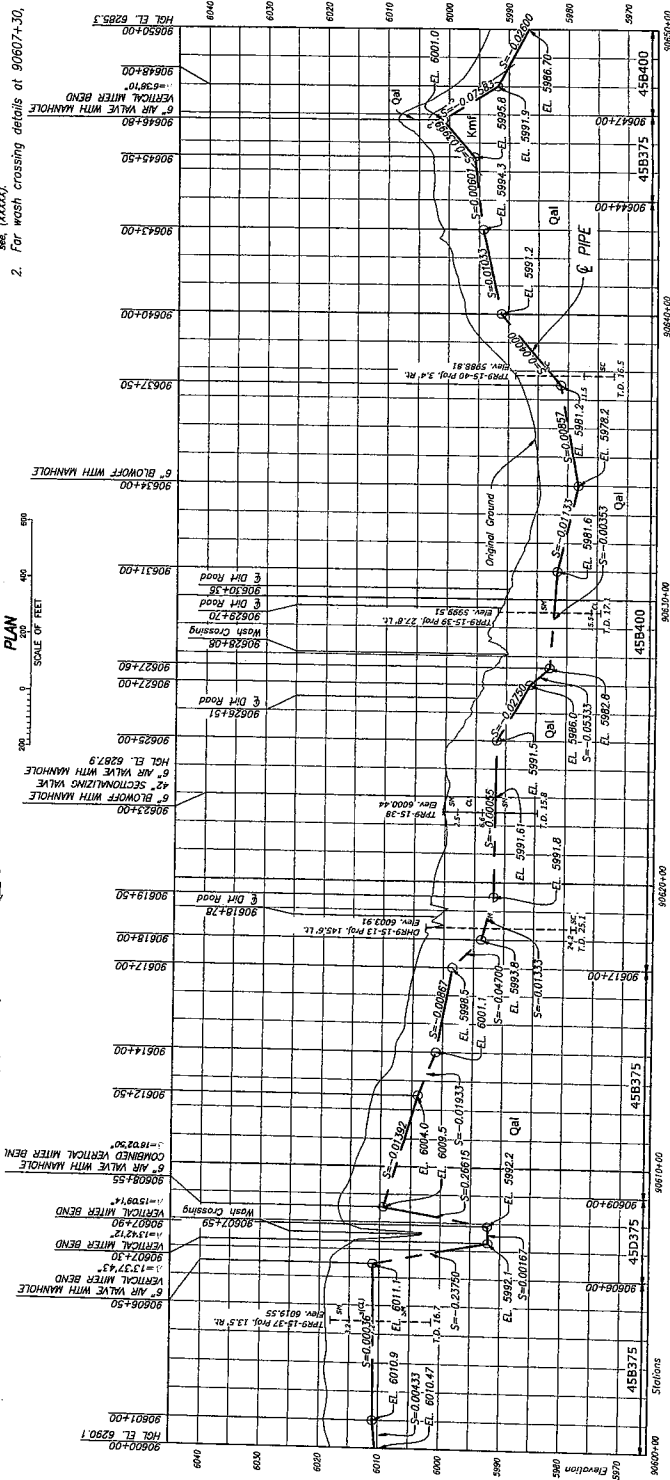
1695-D-727886
SHEET 14

OPEN-CUT ROAD CROSSINGS	
Station	Surfacing
90618+52 TO 90619+05	Compacted Bitum.
90624+30 TO 90628+72	Compacted Bitum.
90629+43 TO 90633+77	Compacted Bitum.
90633+22 TO 90638+50	Compacted Bitum.

NOTES

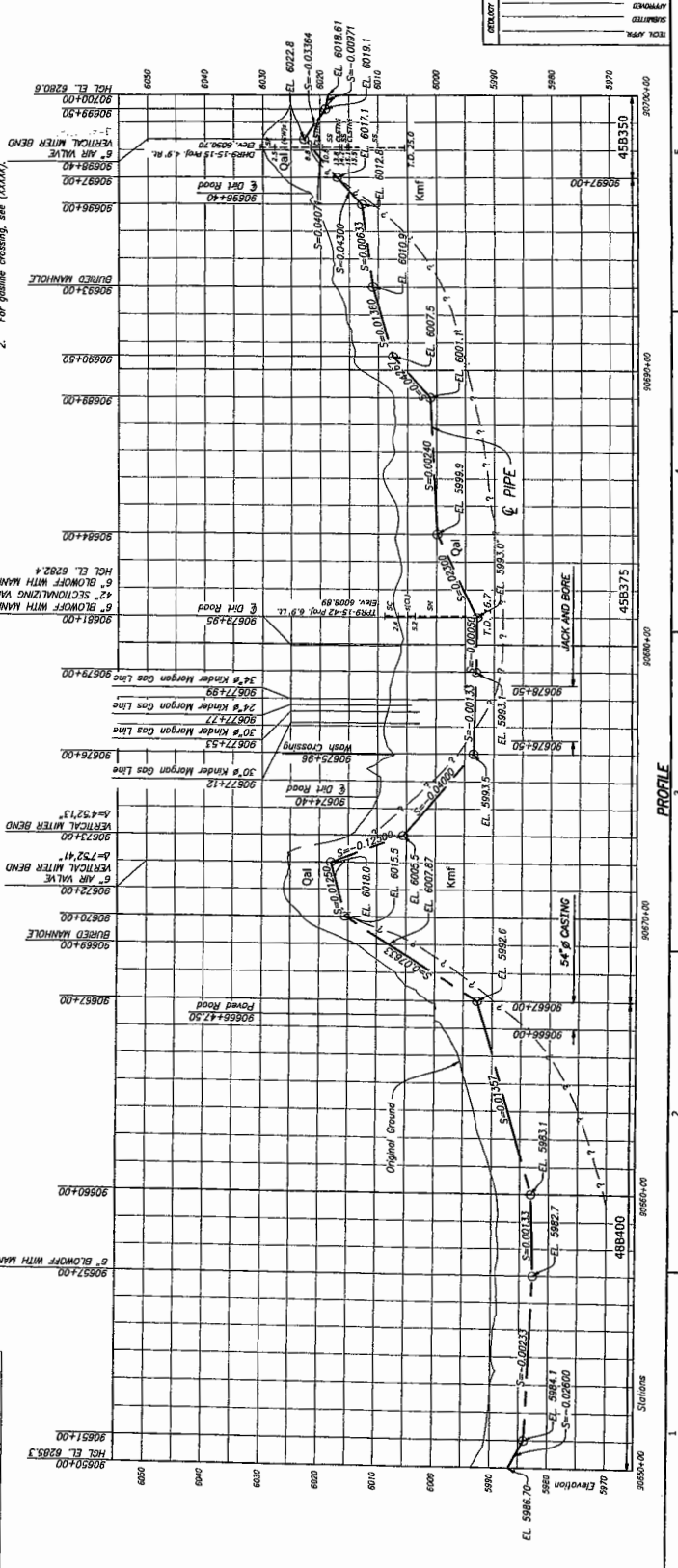
- For General Notes, Symbols, Abbreviations, and Pipe Classification, see (XXXX).
- For most crossing details at 90607+30, see (XXXX).

PLAN
SCALE OF FEET
0 20 40 60 80



PROFILE





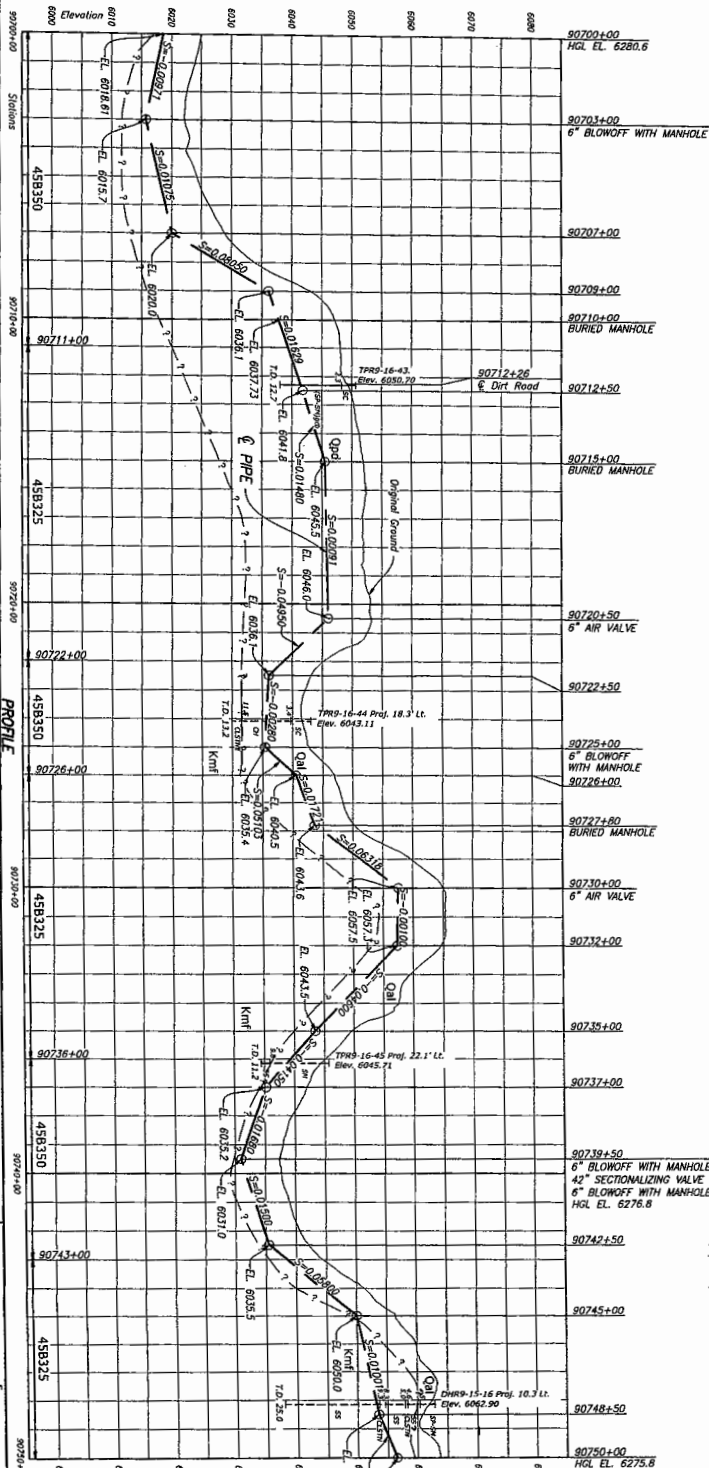
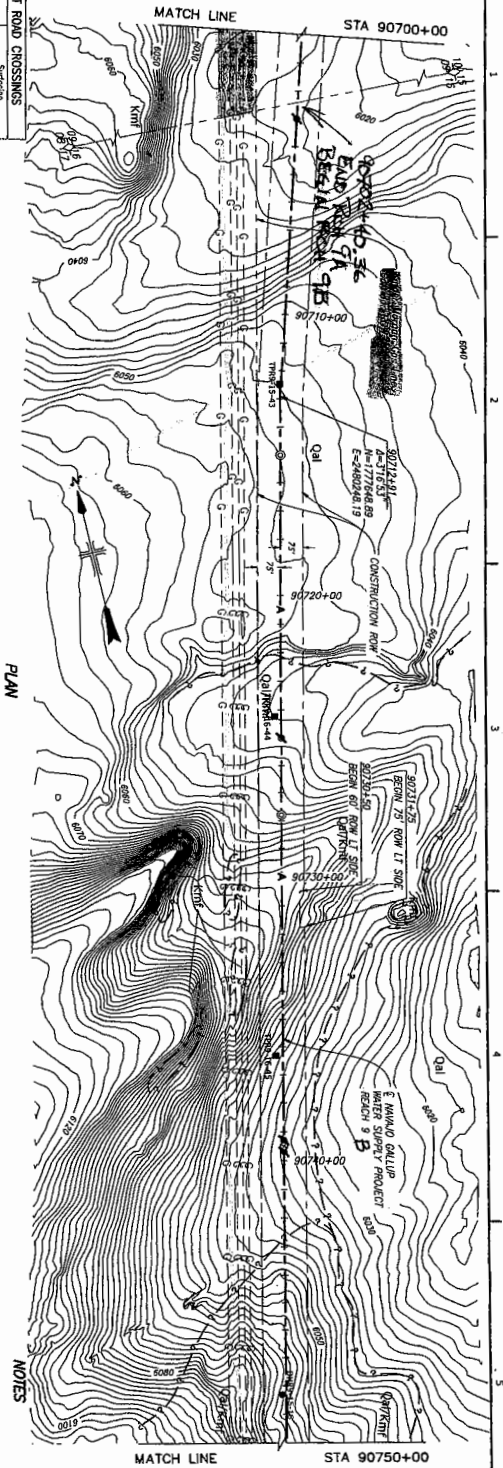
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AUTOCAD
CADD PROGRAM
1995-D-127888-REV-18.dwg

DATE AND TIME PLOTTED
10/10/2016 2:41 PM
PLOTTER BY
Miguel, Andres (andy)

OPEN-CUT ROAD CROSSINGS		
Station	Surface	Compacted Base
90713+17 TO 90712+40		

PLAN
SCALE OF FEET
0 100 200 300 400 500

1. For General Notes, Symbols, Abbreviations, and Pipe Classification, see (XXXXX).



DESIGNED BY	ENGINEER
CHECKED BY	ENGINEER
APPROVED BY	ENGINEER
DATE	10/10/2016
PROJECT NO.	1695-D-127888
PLAN AND PROFILE	
STA. 90700+00	
TO	
STA. 90750+00	
1695-D-127888	

ALWAYS THINK SAFETY

U.S. Department of the Interior
BUREAU OF RECLAMATION
NAVARO-GALLUP WATER SUPPLY PROJECT
NEW MEXICO
SAN JUAN LATERAL REACH 9
LINE PIPE
Not For Distribution

RECLAMATION
Bureau of Reclamation
U.S. Department of the Interior

Navajo-Gallup Water Supply Project – Reach 9 – Parcel No. RCH 9A – Tribal Trust – 01 (ROW and TCE)

Description - Permanent ROW - Parcel No. RCH 9A - Tribal Trust - 01(P): Pipeline – Drawing No. 1695-529-60166, 1695-529-60168, and 1695-529-60167: Parcel No. RCH 9A-Tribal Trust-01(P) being a parcel of land crossing Navajo Nation Tribal Trust Land, and lying in Sections 07, 08, 17, 20, 28, 29, and 33, Township 21 North, Range 17 West, N.M.P.M., San Juan County, New Mexico; and Sections 04, 09, 16, 21, 28, and 33, Township 20 North, Range 17 West; and Sections 04 and 09, Township 19 North, Range 17 West, N.M.P.M., McKinley County, New Mexico. More particularly described as follows:

A strip of land being 80 feet wide, lying 40 feet each side from station 89983+10.00 to station 90021+00.00; thence being 150 feet wide, lying 75 feet each side from station 90021+00.00 to station 90024+00.00; thence being 80 feet wide, lying 40 feet each side from station 90024+00.00 to station 90074+50.00; thence being 150 feet wide, lying 75 feet each side from station 90074+50.00 to station 90078+00.00; thence being 80 feet wide, lying 40 feet each side from station 90078+00.00 to station 90096+75.00; thence being 150 feet wide, lying 75 feet each side from station 90096+75.00 to station 90098+25.00; thence being 80 feet wide, lying 40 feet each side from station 90098+25.00 to station 90160+50.00; thence being 150 feet wide, lying 75 feet each side from station 90160+50.00 to station 90165+00.00; thence being 80 feet wide, lying 40 feet each side from station 90165+00.00 to station 90258+37.92; thence being 80 feet wide, lying 40 feet each side from station 90258+37.92 to station 90260+75.00; thence being 150 feet wide, lying 75 feet each side from station 90260+75.00 to station 90262+25.00; thence being 80 feet wide, lying 40 feet each side from station 90262+25.00 to station 90281+75.00; thence being 150 feet wide, lying 75 feet each side from station 90281+75.00 to station 90284+00.00; thence being 80 feet wide, lying 40 feet each side from station 90284+00.00 to station 90375+50.00; thence being 150 feet wide, lying 75 feet each side from station 90375+00.00 to station 90376+75.00; thence being 80 feet wide, lying 40 feet each side from station 90376+75.00 to station 90464+30.00; thence being 150 feet wide, lying 75 feet each side from station 90464+30.00 to station 90466+70.00; thence being 80 feet wide, lying 40 feet each side from station 90466+70.00 to station 90532+14.65; thence being 80 feet wide, lying 40 feet each side from station 90532+14.65 to station 90578+00.00; thence being 150 feet wide, lying 75 feet each side from station 90578+00.00 to station 90580+00.00; thence being 80 feet wide, lying 40 feet each side from station 90580+00.00 to station 90608+50.00; thence being 150 feet wide, lying 75 feet each side from station 90608+50.00 to station 90610+00.00; thence being 80 feet wide, lying 40 feet each side from station 90610+00.00 to station 90702+40.36 of the pipeline centerline described in the Legal Description of Parcel No. RCH 9A – Tribal Trust – 01, as follows on page 3. The sidelines of said strip shall be extended or shortened to the North line of said Section 04, Township 20 North of Range 17 West, and to the South line of Section 09, Township 19 North of Range 17 West. Parcel No. RCH 9A – Tribal Trust – 01(P), the Permanent ROW is approximately 71,553.75 feet (13.55 miles) in length and contains 135.18 acres, more or less.

Description - Temporary Construction Easement - Parcel No. RCH 9A - Tribal Trust - 01(T): Pipeline –

Drawing No. 1695-529-60166, 1695-529-60168, and 1695-529-60167: The Reach 9A Temporary Construction Easement being described as a parcel of land crossing Navajo Nation Tribal Trust Land lying in Sections 07, 08, 17, 20, 28, 29, and 33, Township 21 North, Range 17 West, N.M.P.M., San Juan County, New Mexico; and Sections 04, 09, 16, 21, 28, and 33, Township 20 North, Range 17 West; and Sections 04 and 09, Township 19 North, Range 17 West, N.M.P.M., McKinley County, New Mexico. More particularly described as follows:

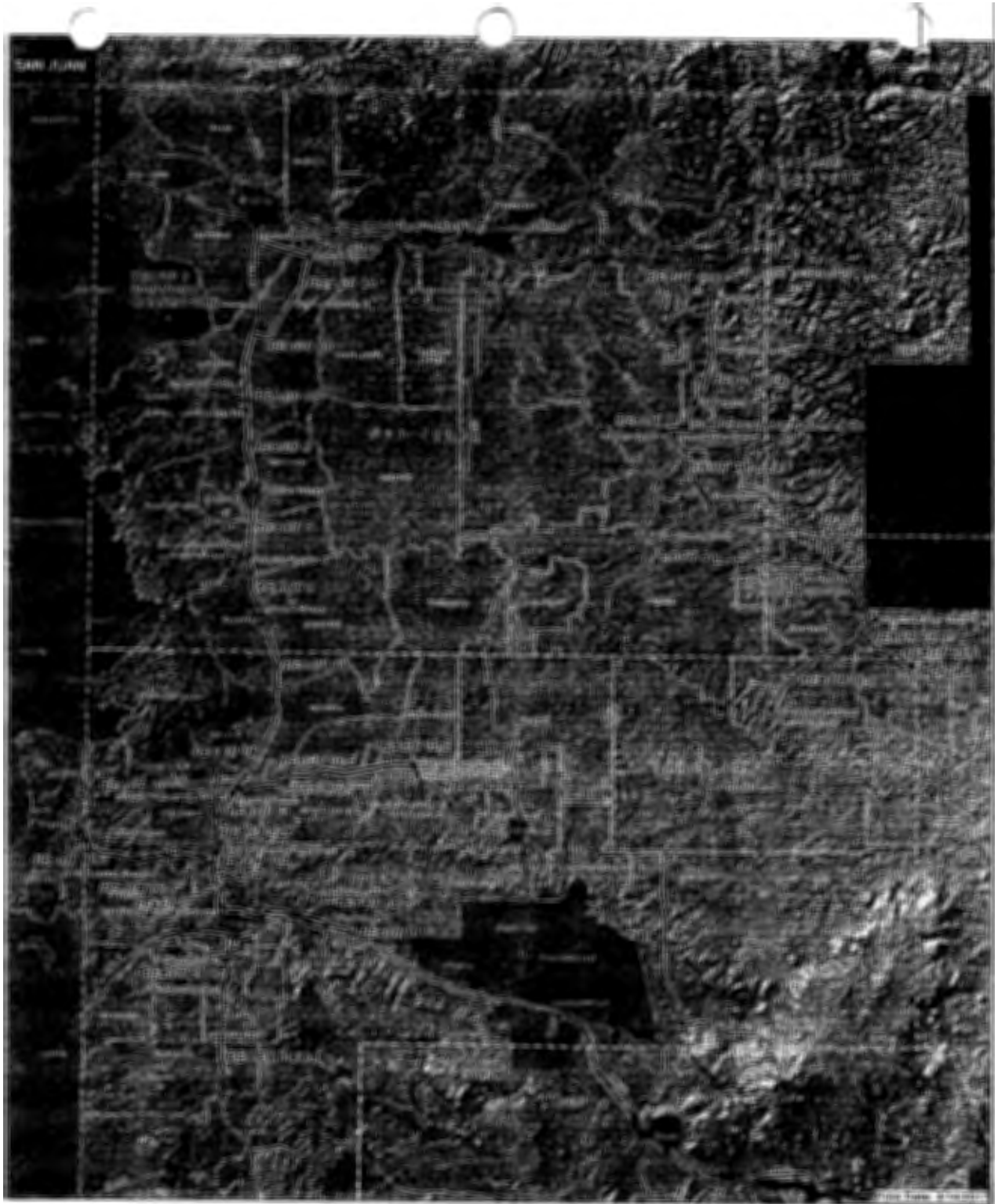
A strip of land being 150 feet wide, lying 75 feet each side from station 89983+10.00 to station 90028+50.00; thence being 80 feet wide, lying 40 feet each side from station 90028+50.00 to station 90030+00.00; thence being 150 feet wide, lying 75 feet each side from station 90030+00.00 to station 90038+90.00; thence being 115 feet wide, lying 40 feet right and 75 feet left from station 90038+90.00 to station 90044+30.00; thence being 80 feet wide, lying 40 feet each side from station 90044+30.00 to station 90045+50.00; thence being 150 feet wide, lying 75 feet each side from station 90045+50.00 to station 90095+00.00; thence being 115 feet wide, lying 40 feet right and 75 feet left from station 90095+00.00 to station 90096+50.00; thence being 150 feet wide, lying 75 feet each side from station 90096+50.00 to station 90098+25.00; thence being 125 feet wide, lying 75 feet right and 40 feet left from station 90098+25.00 to station 90102+30.00; thence being 150 feet wide, lying 75 feet each side from station 90102+30.00 to station 90258+37.92; thence being 150 feet wide, lying 75 feet each side from station 90258+37.92 to station 90289+24.00; thence being 125 feet wide, lying 50 feet right and 75 feet left from station 90289+24.00 to station 90293+29.00; thence being 150 feet wide, lying 75 feet each side from station 90293+29.00 to station 90363+49.00; thence being 125 feet wide, lying 50 feet right and 75 feet left from station 90363+49.00 to station 90367+79.00; thence being 150 feet wide, lying 75 feet each side from station 90367+79.00 to station 90522+05.00; thence being 115 feet wide, lying 75 feet right and 40 feet left from station 90522+05.00 to station 90530+75.00; thence being 150 feet wide, lying 75 feet each side from station 90530+75.00 to station 90532+14.65; thence being 150 feet wide, lying 75 feet each side from station 90532+14.65 to station 90610+75.00; thence being 125 feet wide, lying 50 feet right and 75 feet left from station 90610+75.00 to station 90611+65.00; thence being 150 feet wide, lying 75 feet each side from station 90611+65.00 to station 90638+00.00; thence being 100 feet wide, lying 50 feet each side from station 90638+00.00 to station 90647+00.00; thence being 150 feet wide, lying 75 feet each side from station 90647+00.00 to station 90702+40.36 of the centerline described in the Legal Description of Parcel No. RCH 9A – Tribal Trust – 01, as begins on page 3. Parcel No. RCH 9A – Tribal Trust – 01(T). The sidelines of said strip shall be extended or shortened to the North line of said Section 04, Township 20 North, Range 17 West, and to the South line of Section 09, Township 19 North of Range 17 West. The Temporary Construction Easement, is approximately 71,553.75 feet (13.55 miles) in length and contains 107.61 acres, more or less.

Legal Description –Parcel No. RCH 9A - Tribal Trust - 01: Pipeline Centerline – Drawing No. 1695-529-60166, 1695-529-60168, and 1695-529-60167:

The Point of Beginning being Reach 9A station 89983+10.00, from which the Northeast corner of said Section 07 bears North 04°46'18" East a distance of 859.39 feet; thence, from the point of beginning, South 17°20'24" East a distance of 212.38 feet to station 89985+22.38, a point on the West line of said Section 08, from which the Northwest corner of said Section 08 bears North 00°26'35" East a distance of 1059.17 feet; thence, continuing South 17°20'24" East a distance of 1712.62 feet to station 90002+35.00; thence South 06°41'52" East a distance of 180.00 feet to station 90004+15.00; thence South 17°19'43" East a distance of 960.00 feet to station 90013+75.00; thence South 73°12'24" East a distance of 325.00 feet to station 90017+00.00; thence South 17°02'16" East a distance of 713.00 feet to station 90024+13.00; thence South 06°18'48" East a distance of 496.00 feet to station 90029+09.00; thence South 16°11'28" East a distance of 243.93 feet to station 90031+52.93, a point on the North line of said Section 17, from which the North Quarter corner of said Section 17 bears South 89°31'00" East a distance of 1144.90 feet; thence continuing South 16°11'28" East a distance of 647.07 feet to station 90038+00.00; thence South 46°26'47" East a distance of 273.00 feet to station 90040+73.00; thence South 00°00'40" East a distance of 185.00 feet to station 90042+58.00; thence South 28°52'40" West a distance of 297.00 feet to Reach 9A Equation Station 90045+55.00, wherein station 90045+55.00 is renumbered to station 90044+50.00; thence South 10°59'59" West a distance of 388.00 feet to station 90048+38.00; thence South 12°02'50" East a distance of 443.00 feet to station 90052+81.00; thence South 17°20'24" East a distance of 1490.00 feet to station 90067+71.00; thence South 31°52'25" East a distance of 467.05 feet to station 90072+38.04; thence South 44°13'24" East a distance of 357.65 feet to Reach 9A Equation Station 90075+95.70, wherein station 90075+95.70 is renumbered to station 90075+91.00; thence South 44°12'19" East a distance of 700.00 feet to station 90082+91.00; thence South 08°20'40" East a distance of 656.38 feet to station 90089+47.38, a point on the North line of said Section 20, from which the North Quarter corner of said Section 20 bears North 89°31'35" West a distance of 674.16 feet; thence continuing South 08°20'40" East a distance of 451.62 feet to station 90093+99.00; thence South 23°47'34" West a distance of 577.64 feet to Reach 9A Equation Station 90099+76.64, wherein station 90099+76.64 is renumbered to station 90100+60.00; thence South 15°19'56" East a distance of 1202.00 feet to station 90112+62.00; Thence South 17°31'11" East a distance of 3308.54 feet to station 90145+70.54, a point on the North line of section 29, from which the Northeast corner of said Section 29 bears South 89°30'55" East a distance of 776.27 feet; thence continuing South 17°31'11" East a distance of 1493.46 feet to station 90160+64.00; thence South 16°29'52" East a distance of 1025.00 feet to station 90170+89.00; thence South 17°20'38" East a distance of 54.98 feet to station 90171+43.98, a point on the West line of said Section 28, from which the East Quarter corner of said Section 28 bears South 00°26'53" West a distance of 187.38 feet; thence continuing South 17°20'38" East a distance of 586.02 feet to station 90177+30.00; thence South 32°03'17" East a distance of 865.00 feet to station 90185+95.00; thence South 22°03'43" East a distance of 300.00 feet to station 90188+95.00; thence South 12°45'18" East a distance of 1297.89 feet to station 90201+92.89, a point on the North line of Section 33, from which the Northwest corner of said Section 33 bears North 89°29'05" West a distance of 1055.31 feet; thence continuing South 12°45'18"

East a distance of 1012.11 feet to station 90212+05.00; thence South 22°14'09" East a distance of 321.26 feet to station 90215+26.26; thence South 09°21'01" East a distance of 615.79 feet to Reach 9A Equation Station 90221+42.05, wherein station 90221+42.05 is renumbered to station 90222+44.00; thence South 19°12'35" East a distance of 145.00 feet to station 90223+89.00; thence South 26°26'31" East a distance of 1300.00 feet to station 90236+89.00; thence South 12°12'08" East a distance of 2148.92 feet to station 90258+37.92, a point on the North line of said Section 04, Township 20 North, Range 17 West, from which the South Quarter corner of Section 04 bears South 89°29'58" East a distance of 17.54 feet; thence continuing South 12°12'08" East a distance of 741.08 feet to station 90265+79.00; thence South 03°45'40" East a distance of 1345.00 feet to station 90279+24.00; thence South 09°09'58" East a distance of 1002.00 feet to station 90289+26.00; thence South 06°05'49" East a distance of 234.00 feet to station 90291+60.00; thence South 20°37'24" East a distance of 1293.00 feet to station 90304+53.00; thence South 12°00'45" East a distance of 1240.72 feet to station 90316+93.72, a point on the North line of said Section 09, from which the North Quarter corner of said Section 09 bears South 89°31'45" East a distance of 163.51 feet; thence continuing South 12°00'45" East a distance of 29.28 feet to station 90317+23.00; thence South 25°46'58" East a distance of 376.00 feet to station 90320+99.00; thence South 12°13'05" East a distance of 2259.00 feet to station 90343+58.00; thence South 09°51'49" East a distance of 1668.00 feet to station 90360+26.00; thence South 46°53'01" West a distance of 340.00 feet to station 90363+66.00; thence South 04°51'14" East a distance of 356.00 feet to station 90367+22.00; thence South 10°02'15" East a distance of 488.89 feet to station 90372+10.89, a point on the North line of said Section 16, from which the North Quarter corner of said Section 16 bears North 89°32'33" West a distance of 680.46 feet; thence continuing South 10°02'15" East a distance of 368.11 feet to station 90375+79.00; thence South 02°14'53" West a distance of 309.00 feet to station 90378+88.00; thence South 08°58'16" West a distance of 1492.00 feet to station 90393+80.00; thence South 02°40'37" West a distance of 300.00 feet to station 90396+80.00; thence South 06°48'11" East a distance of 760.00 feet to station 90404+40.00; thence South 02°39'45" West a distance of 850.00 feet to station 90412+90.00; thence South 25°00'59" West a distance of 300.00 feet to station 90415+90.00; thence South 03°26'00" West a distance of 609.00 feet to station 90421+99.00; thence South 22°13'42" East a distance of 379.22 feet to station 90425+78.22, a point on the North line of said Section 21, from which the North Quarter corner of said Section 21 bears North 89°32'28" West a distance of 560.09 feet; thence continuing South 22°13'42" East a distance of 26.78 feet to station 90426+05.00; thence South 02°13'39" West a distance of 646.00 feet to station 90432+51.00; thence South 06°27'12" East a distance of 450.00 feet to station 90437+01.00; thence South 02°40'06" West a distance of 600.00 feet to station 90443+01.00; thence South 09°23'02" West a distance of 2138.00 feet to station 90464+39.00; thence South 00°40'00" West a distance of 253.00 feet to station 90466+92.00; thence South 08°34'37" East a distance of 1214.25 feet to station 90479+06.25, a point on the North line of Section 28, from which the North Quarter corner of said Section 28 bears North 89°33'49" West a distance of 439.71 feet; thence continuing South 08°34'37" East a distance of 22.75 feet to station 90479+29.00; thence South 02°40'10" West a distance of 1949.00 feet to station 90498+78; thence South 12°15'33" West a distance of 850.00 feet to station 90507+28.00; thence South 04°17'28" West a distance of 700.00 feet to station 90514+28.00; thence South 08°34'10" West a distance of 769.00 feet to station 90521+97.00; thence South 02°28'34" West a distance of 1017.65 feet to station 90532+14.65, a point on the North line of said Section 33, from which the North Quarter corner of said

Section 33 bears South 89°32'07" East a distance of 4.53 feet; thence continuing South 02°28'34" West a distance of 2674.35 feet to station 90558+89.00; thence South 18°32'23" East a distance of 628.00 feet to station 90565+17.00; thence South 02°35'20" West a distance of 798.00 feet to station 90573+15.00; thence South 12°15'45" West a distance of 1242.60 feet to station 90585+57.60, a point on the North line of said Section 04, from which the North Quarter corner of said Section 04 bears South 89°31'59" East a distance of 168.21 feet; thence continuing South 12°15'45" West a distance of 257.40 feet to station 90588+15.00; thence South 02°37'21" West a distance of 985.00 feet to station 90598+00.00; thence South 25°31'31" East a distance of 993.00 feet to station 90607+93.00; thence South 00°45'34" West a distance of 241.00 feet to station 90610+34.00; thence South 37°56'00" East a distance of 965.00 feet to Reach 9A Equation Station 90619+99.00, wherein station 90619+99.00 is renumbered to station 90622+15.00; thence South 21°26'50" East a distance of 959.00 feet to station 90631+74.00; thence South 09°10'21" West a distance of 722.00 feet to station 90638+96.00; thence South 27°35'45" West a distance of 626.96 feet to station 90645+22.96, a point on the North line of said Section 09, from which the North Quarter corner of said Section 09 bears North 89°31'12" West a distance of 740.49 feet; thence continuing South 27°35'45" West a distance of 47.04 feet to station 90645+70.00; thence South 13°37'40" West a distance of 419.00 feet to Reach 9A Equation Station 90649+89.00, wherein station 90649+89.00 is renumbered to station 90650+74.00; thence South 13°38'03" West a distance of 2178.00 feet to station 90672+52.00; thence South 47°54'10" East a distance of 696.00 feet to station 90679+48.00; thence South 12°24'43" West a distance of 553.00 feet to station 90685+01.00; thence South 07°49'58" West a distance of 1089.00 feet to station 90695+90.00; thence South 16°15'55" West a distance to 650.36 feet to station 90702+40.36, the Point of Terminus, and a point on the North line of said Section 16, from which the North Quarter corner of said Section 16 bears North 89°31'14" West a distance of 222.03 feet. The sidelines of said strip shall be extended or shortened to the North line of said Section 04, Township 20 North, Range 17 West, and to the South line of Section 09, Township 19 North, Range 17 West.



LEGEND

- San Juan Lateral
- Cutter Lateral
- Gallup Regional System
- Eastern Navajo Water Pipeline (ENWP) Phase 2
- Eastern Navajo Water Pipeline (ENWP) Phase 3
- Water Treatment Plant
- Pumping Plant
- ◆ Turnout
- Navajo Tribal Utility Authority Distribution System
- Navajo Nation Serviced Chapters
- ▨ Navajo Nation Non-Serviced Chapters
- Jicarilla Apache Nation (JAN)

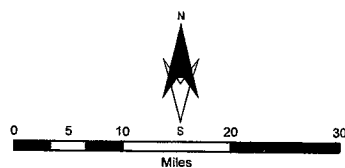
Navajo Gallup Water Supply Project

RECLAMATION

Managing Water in the West

Note: Pumping Plant numbers reflect FEIS designations. Some pumping plants in original FEIS design have been combined and/or eliminated as a result of additional analyses and optimization studies.

Disclaimer: Not for construction purposes. Alignment may be refined as designs and field reviews are completed.



1695-529-537

Last Update: March 13, 2017



Navajo-Gallup Water Supply Project **RECLAMATION** *Managing Water in the West*

LEGEND

- Reach 9A
- Reach 9B
- Reach 10
- Reach 11
- ◆ Turnout (TO)
- US Highway

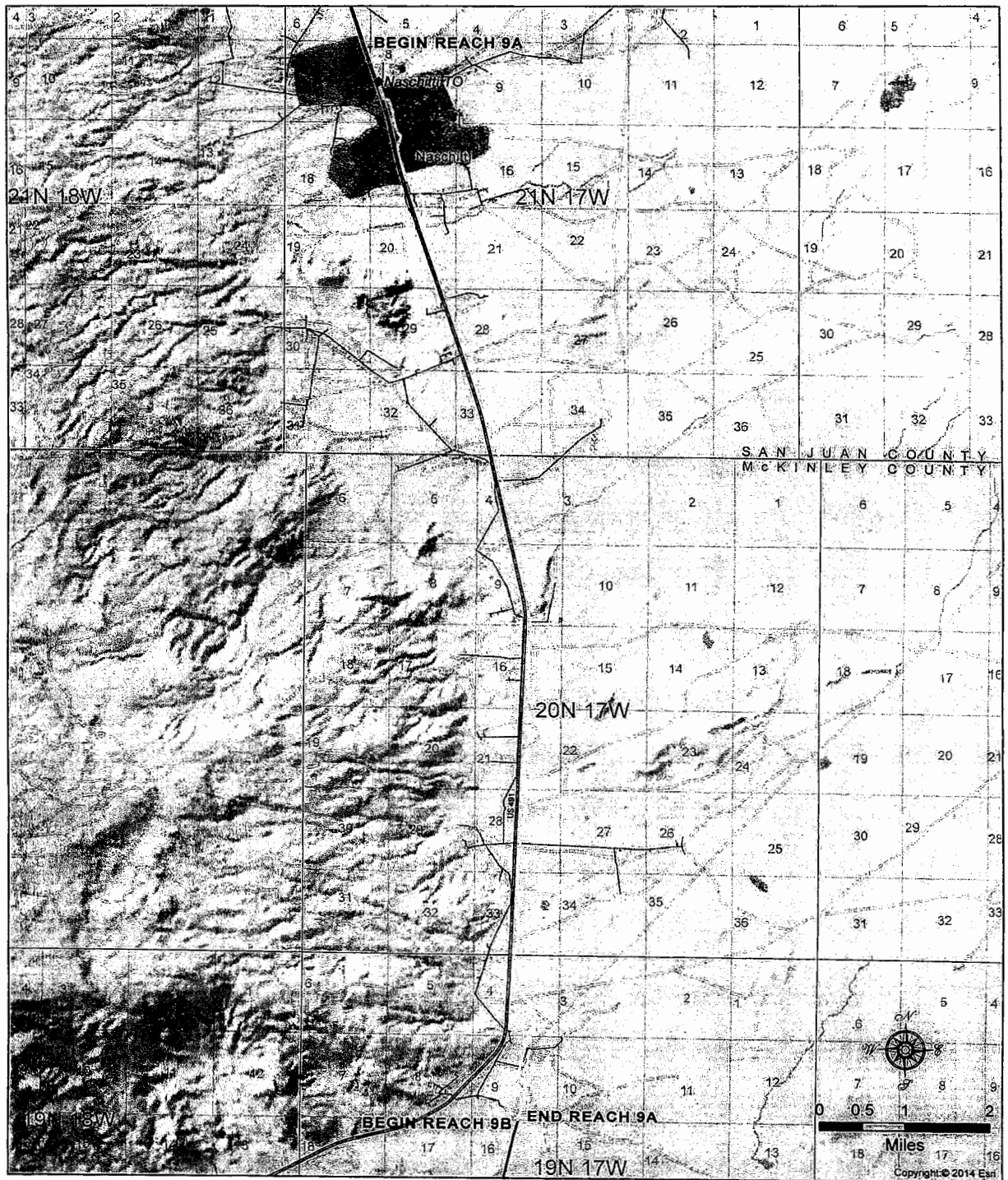
CHAPTER NAME Navajo Nation Serviced Chapters

**BLOCK 9-11
 LAND STATUS MAP
 REACHES 9A, 9B, 10 AND 11**

FIGURE 1



Print Date: 12/15/2016
 Document Name: BLOCK 9 RS 10 11



Navajo-Gallup Water Supply Project **RECLAMATION** *Managing Water in the West*

LEGEND

- Reach 9A
- Reach 9B
- ◆ Turnout (TO)
- Navajo Tribal Utility Authority Distribution System
- US Highway
- Unpaved

**BLOCK 9-11
 LAND STATUS MAP
 REACH 9A**

FIGURE 1



Print Date: 12/15/2016
 Document Name: Reach 9A Land Status 2



EXECUTIVE ORDER NO. 03-2012

NAVAJO-GALLUP WATER SUPPLY PROJECT IS A NAVAJO NATION PRIORITY PROJECT; THE SUCCESS OF THIS HIGH-PROFILE PROJECT WILL SHOWCASE THE NAVAJO NATION AND ITS DIVISIONS AND PROGRAMS; AND WILL PROVIDE THE OPPORTUNITY FOR ACCESSIBLE WATER TO THE EASTERN NAVAJO NATION

January 3, 2012

WHEREAS:

The Navajo Gallup Water Supply Project (Project) is one of only fourteen projects selected nationwide to be a priority of President Obama and his administration to create jobs. Bureau of Reclamation is the lead federal agency tasked to construct the Project with the assistance of the Navajo Nation, Jicarilla Apache Nation and City of Gallup. This project is an enormous challenge for the Navajo Nation and its programs. However, it is also an excellent opportunity for the Navajo Nation to showcase its programs and their coordination in order to successfully complete this high profile project to President Obama and the rest of the United States.

The Project will provide a reliable long-term water supply to much of the Navajo Nation within New Mexico. The Project has an estimated construction cost of almost \$1 billion. In addition to the proposed United States' Presidential budget, the Bureau of Reclamation will receive up to \$60 million in mandatory appropriations during FY2012, FY2013 and FY2014 for a total of \$180 million that may be used for Project construction if all requirements to construction are met.

This Project continues to be a high priority for my administration as well. I would like to express my continued support for its expedited implementation and urge cooperation among all Navajo Nation programs to make this Project a reality. This Project is an example of the success brought about by years of hard work by staff and representatives of the Navajo Nation, State of New Mexico and United States.

Over the next several years the Project will be constructed in Reaches (phases). Construction may occur concurrently on several Reaches over the next several years. It is important that the Navajo Nation programs align themselves properly to coordinate information and permitting of the various Reaches of the Project. Navajo Nation Water Management Branch (NNWMB) of the Navajo Nation Department of Water Resources serves as the coordinator of

information within the Navajo Nation executive branch and the reviewer of public information, including all press releases, for the Navajo-Gallup Water Supply Project on behalf of the entire Navajo Nation. NNWMB may be reached at (928) 729-4004.

IT IS ORDERED THAT:

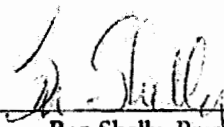
The Navajo Gallup Water Supply Project is a priority project of the Navajo Nation.

The programs within the Executive Branch are hereby directed to promptly process all necessary permits, contracts, any related matters to this Project for its successful coordination, implementation and construction. The programs and personnel are hereby directed to review and streamline their SAS review process.

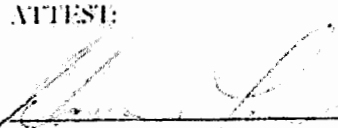
THEREFORE BE IT RESOLVED, THAT:

I, Ben Shelly, President of the Navajo Nation, by the authority vested in the Office of the President pursuant to 2 N.N.C. §§ 1005 (A) and (C)(14), hereby direct this Executive Order shall become effective immediately and remain in effect until rescinded, to be binding upon Navajo Nation Executive Branch Directors, employees, and agents, and to be subjected to enforcement under the Navajo Nation Personnel Policies Manual.

Executed this 3rd day of January 2012.


Ben Shelly, President
THE NAVAJO NATION

ATTEST:


Harrison Tsosie, Attorney General
Navajo Nation Department of Justice

Naschitti Community Governance

PO Drawer D, Sheepsprings, New Mexico 87364
Phone: 505-732-5400/5402 Fax: 505-732-5406



NAS-17-11-011

RESOLUTION OF NASCHITTI COMMUNITY GOVERNANCE

SUPPORTING NAVAJO GALLUP WATER SUPPLY PROJECT.

WHEREAS:

1. Pursuant to N.N. C. Title 26 Chapter 1, Section 3 (A), section 1 (B) (1) and Section 1 (B) (2) under the Local Government Act, Naschitti Community Governance is a certified local governmental entity of the Navajo Nation and is vested with the authority to address local concerns and the authority to make decisions with responsibility and accountability; and
2. Public Law 111-11, Section 10601, authorized the Secretary of the Interior, acting through the Commissioner of Reclamation to design and construct the Navajo Gallup Water Supply Project; and
3. The Navajo Gallup Water Supply Project will provide reliable and sustainable municipal, industrial, and domestic water supplies from the San Juan River to 43 Chapters of the Navajo Nation, the City of Gallup and the Southwest portion of the Jicarilla Apache Nation Reservation; and
4. The Naschitti Chapter is one of the 43 chapters identified to be served by the proposed water supply project; and
5. The Bureau of Reclamation is currently designing and preparing to begin construction of the Navajo Gallup Water Supply Project; and
6. One of the initial Project phases includes conveying groundwater from Naschitti to chapters east and west of Gallup in current need of water prior to San Juan River water delivery and to upgrade all existing water lines within Naschitti area with assistance from proper entities and existing bylaws and procedures.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Naschitti Chapter fully supports the design, construction and implement of the Navajo Gallup Water Supply Project; and the project is in the best interest of the chapter and the tribe; and
2. the chapter recognizes that the Project Participants, including the Navajo Nation, shall provide all and or interest in land, as appropriate, at no cost (P.L., 111 -11 Section 10602) (c) (2); and
3. The Chapter will work cooperatively with the Navajo Nation, the Bureau of Reclamation and its agents to obtain any and all required approvals.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by Naschitti Community Governance and moved for approval by Kee Y. Gee, seconded by Michael Clani at a duly called meeting at Naschitti, Navajo Nation, (New Mexico), at which a quorum was present and that same was passed by a Vote of -3- Yeyes, -1- Nays on this 6th day of November, 2016.


Hoskie Bryant, Commission President
Naschitti Community Governance

Hoskie Bryant
Commission President

Michael T. Clani
Commission Vice-President

Darlene Bitsoi
Commission Secretary/Treasurer

Gloria Dennison
Commission Member

Kee Y. Gee
Commission Member



Tohatchi Community Chapter
THE NAVAJO NATION
Post Office Box 1236, Tohatchi, N.M. 87325
Tel: (505) 733-2845/2846 FAX: (505) 733-2847

RESOLUTION OF TOHATCHI CHAPTER

SUPPORTING AND APPROVING THE NAVAJO-GALLUP WATER SUPPLY PROJECT WHICH WILL PROVIDE THE OPPORTUNITY FOR ACCESSIBLE WATER TO THE TOHATCHI COMMUNITY.

TOH: 050-3-2016

WHEREAS:

1. Pursuant to 26 N.T.C. Title 26; Chapter 1, Section 3 (A) under the Local Governance Act, Tohatchi Chapter is a certified Local Government entity of the Navajo Nation and codified at 11 N.N.C. Part 1 Section 10; and
2. Pursuant to Chapter 1, Section 1 (B)(1), (2) of the same "Act", Tohatchi Chapter is vested with the government authority with respect to local matters consistent with Navajo Law, including custom and tradition; and authority to make decisions over local matters and to govern with responsibility and accountability to the local citizens; and
3. The Navajo-Gallup Water Project is a project selected and made a priority of President Obama and his administration to create jobs and the Bureau of Reclamation is the lead Federal Agency tasked to construct the project with the assistance of the Navajo Nation, Jicarilla Apache Nation and City of Gallup; and
4. The Tohatchi Chapter sees this project to provide a reliable long term water supply to much needed area within our community and address future community and economical growth; and
5. The Tohatchi Chapter recognizes community members that live in rural areas do not have running water into their homes and this will provide more water to these areas so our community members will have and live a good quality of life.

NOW THEREFORE BE IT RESOLVED THAT:


The Tohatchi Chapter hereby supports and approves the Navajo-Gallup Water Project which will provide the opportunity for accessible to the Tohatchi Community.

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Tohatchi Chapter at a duly called chapter meeting at Tohatchi (Navajo Nation), New Mexico, at which a quorum was present and the same was passed by a vote of 34 in favor, 0 opposed, 4 abstained, this 28th day of March 2016.

Motion: Lupe Chee

Second: Manuel Shirleson


Herman Morris, President

United States Department of the Interior
Bureau of Indian Affairs
Title Status Report

Report Certification Time and Date: 02/14/2011 08:00:00 PM
Requestor: ABOWMAN1 Date/Time: 08/02/2016 20:01:16

See Appendix C for Land Legal Descriptions

Title Status

Tract 791 T 8153 is held by the United States of America in trust for the land owner(s) with trust interests and/or by the land owner(s) with restricted interests and/or fee simple interests, as listed in Appendix "A" attached to and incorporated in this Title Status Report.

The title to Tract 791 T 8153 is current, complete, correct, and without defect. Ownership is in unity and interests are owned in the following title status: trust.

The tract ownership is encumbered by the title documents as listed on Appendix "B" attached to and incorporated in this Title Status Report.

No Tract Notes or Coded Remarks for this tract.

This report does not cover encroachments nor any other rights that might be disclosed by a physical inspection of the premises, nor questions of location or boundary that an accurate survey may disclose. This Report also does not cover encumbrances, including but not limited to irrigation charges, unpaid claims, not filed or recorded in this Land Titles and Records Office. This report does not state the current ownership of the interests owned in fee simple but states the ownership at the time the interest ceased to be held in trust or restricted ownership status.

This Title Status Report is a true and correct report of the status of title to the real estate described herein according to the official land records recorded and maintained in this office.

Appendix "A"

Effective Ownership as of 12/03/2004

----- OWNER -----				- DOCUMENT -		NAME IN WHICH	FRACTION TRACT	AGGREGATE SHARE	AGGREGATE
Tribe	Indian or Non-Indian	Title Status	Interest*	Class	Type	SURNAME/FIRST NAME	AS ACQUIRED	CONVERTED TO LCD	DECIMAL
NAVAJO NATION	Tribe	Trust	All	Treaty	SPEC AUT	THE NAVAJO TRIBE	1	1	
							1	1	1.0000000000

* "All" means the equitable beneficial interest and the legal title interest merged together.

IN TRUST:	1	
	1	1.0000000000
IN FEE:	0	
	1	.0000000000
TOTAL:	1	
	1	1.0000000000

Appendix "C"

Land Legal Description

<u>Land Area</u>	<u>Land Area Name</u>	<u>Tract Number</u>	<u>LTRO</u>	<u>Region</u>	<u>Agency</u>	<u>Resources</u>	
791	NAVAJO-NEW MEXICO	T 8153	SOUTHWEST	NAVAJO REGIONAL OFFICE	NAVAJO REGIONAL OFFICE	Both	
<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>State</u>	<u>County</u>	<u>Meridian</u>	<u>Legal Description</u>	<u>Acres</u>
1	021.00N	017.00W	NEW MEXICO	SAN JUAN	New Mexico	S N	160.000
						S	320.000
						LOT 01=	40.000
						LOT 02=	40.000
						LOT 03=	40.000
						LOT 04=	40.000
2	021.00N	017.00W	NEW MEXICO	SAN JUAN	New Mexico	S N	160.000
						S	320.000
						LOT 01=	39.990
						LOT 02=	39.960
						LOT 03=	39.940
						LOT 04=	39.910
	PROTRACTED SURVEY						
3	021.00N	017.00W	NEW MEXICO	SAN JUAN	New Mexico	S N	160.000
						S	320.000
						LOT 01=	39.910
						LOT 02=	39.920
						LOT 03=	39.930
						LOT 04=	39.940
	PROTRACTED SURVEY						
4	021.00N	017.00W	NEW MEXICO	SAN JUAN	New Mexico	S N	160.000
						S	320.000
						LOT 01=	39.940
						LOT 02=	39.930
						LOT 03=	39.920
						LOT 04=	39.910
	PROTRACTED SURVEY						
5	021.00N	017.00W	NEW MEXICO	SAN JUAN	New Mexico	S N	160.000
						S	320.000
						LOT 01=	39.910
						LOT 02=	39.940
						LOT 03=	39.960
						LOT 04=	39.990
	PROTRACTED SURVEY						
6	021.00N	017.00W	NEW MEXICO	SAN JUAN	New Mexico	SE NW	40.000
						E SW	80.000
						S NE	80.000
						SE	160.000
						LOT 01=	40.000
						LOT 02=	40.000
						LOT 03=	40.000
						LOT 04=	38.870
						LOT 05=	38.900
						LOT 06=	38.920
						LOT 07=	38.950
	PROTRACTED SURVEY						
7	021.00N	017.00W	NEW MEXICO	SAN JUAN	New Mexico	E W	160.000
						E	320.000
						LOT 01=	38.990
						LOT 02=	39.050
						LOT 03=	39.110
						LOT 04=	39.170
	PROTRACTED SURVEY						
8	021.00N	017.00W	NEW MEXICO	SAN JUAN	New Mexico		640.000
	PROTRACTED SURVEY						
9	021.00N	017.00W	NEW MEXICO	SAN JUAN	New Mexico		640.000
	PROTRACTED SURVEY						
10	021.00N	017.00W	NEW MEXICO	SAN JUAN	New Mexico		640.000
	PROTRACTED SURVEY						

Appendix "C"

Section	Township	Range	State	County	Meridian	Legal Description	Acres
11	021.00N	017.00W	NEW MEXICO	SAN JUAN	New Mexico		640.000
						PROTRACTED SURVEY	
12	021.00N	017.00W	NEW MEXICO	SAN JUAN	New Mexico		640.000
						PROTRACTED SURVEY	
13	021.00N	017.00W	NEW MEXICO	SAN JUAN	New Mexico		640.000
						PROTRACTED SURVEY	
14	021.00N	017.00W	NEW MEXICO	SAN JUAN	New Mexico		640.000
						PROTRACTED SURVEY	
15	021.00N	017.00W	NEW MEXICO	SAN JUAN	New Mexico		640.000
						PROTRACTED SURVEY	
16	021.00N	017.00W	NEW MEXICO	SAN JUAN	New Mexico		640.000
						PROTRACTED SURVEY	
17	021.00N	017.00W	NEW MEXICO	SAN JUAN	New Mexico		640.000
						PROTRACTED SURVEY	
18	021.00N	017.00W	NEW MEXICO	SAN JUAN	New Mexico	E W	160.000
						E	320.000
						LOT 01=	39.220
						LOT 02=	39.270
						LOT 03=	39.310
						LOT 04=	39.360
						PROTRACTED SURVEY	
19	021.00N	017.00W	NEW MEXICO	SAN JUAN	New Mexico	E W	160.000
						E	320.000
						LOT 01=	39.410
						LOT 02=	39.460
						LOT 03=	39.510
						LOT 04=	39.560
						PROTRACTED SURVEY	
20	021.00N	017.00W	NEW MEXICO	SAN JUAN	New Mexico		640.000
						PROTRACTED SURVEY	
21	021.00N	017.00W	NEW MEXICO	SAN JUAN	New Mexico		640.000
						PROTRACTED SURVEY	
22	021.00N	017.00W	NEW MEXICO	SAN JUAN	New Mexico		640.000
						PROTRACTED SURVEY	
23	021.00N	017.00W	NEW MEXICO	SAN JUAN	New Mexico		640.000
						PROTRACTED SURVEY	
24	021.00N	017.00W	NEW MEXICO	SAN JUAN	New Mexico		640.000
						PROTRACTED SURVEY	
25	021.00N	017.00W	NEW MEXICO	SAN JUAN	New Mexico		640.000
						PROTRACTED SURVEY	
26	021.00N	017.00W	NEW MEXICO	SAN JUAN	New Mexico		640.000
						PROTRACTED SURVEY	
27	021.00N	017.00W	NEW MEXICO	SAN JUAN	New Mexico		640.000
						PROTRACTED SURVEY	
28	021.00N	017.00W	NEW MEXICO	SAN JUAN	New Mexico		640.000
						PROTRACTED SURVEY	
29	021.00N	017.00W	NEW MEXICO	SAN JUAN	New Mexico		640.000
						PROTRACTED SURVEY	
30	021.00N	017.00W	NEW MEXICO	SAN JUAN	New Mexico	E W	160.000
						E	320.000
						LOT 01=	39.610
						LOT 02=	39.660
						LOT 03=	39.710
						LOT 04=	39.760
						PROTRACTED SURVEY	
31	021.00N	017.00W	NEW MEXICO	SAN JUAN	New Mexico	E W	160.000
						E	320.000
						LOT 01=	39.810
						LOT 02=	39.860
						LOT 03=	39.920
						LOT 04=	39.970
						PROTRACTED SURVEY	
32	021.00N	017.00W	NEW MEXICO	SAN JUAN	New Mexico		640.000
						PROTRACTED SURVEY	

Appendix "C"

<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>State</u>	<u>County</u>	<u>Meridian</u>	<u>Legal Description</u>	<u>Acres</u>
33	021.00N	017.00W	NEW MEXICO	SAN JUAN	New Mexico		640.000
						PROTRACTED SURVEY	
34	021.00N	017.00W	NEW MEXICO	SAN JUAN	New Mexico		640.000
						PROTRACTED SURVEY	
35	021.00N	017.00W	NEW MEXICO	SAN JUAN	New Mexico		640.000
						PROTRACTED SURVEY	
36	021.00N	017.00W	NEW MEXICO	SAN JUAN	New Mexico		640.000
						PROTRACTED SURVEY	
TOTAL TRACT ACRES:							23024.360

United States Department of the Interior
Bureau of Indian Affairs
Title Status Report

Report Certification Time and Date: 09/08/2011 08:00:00 PM
Requestor: ABOWMAN1 Date/Time: 08/02/2016 20:00:28

See Appendix C for Land Legal Descriptions

Title Status

Tract 791 T 8156 is held by the United States of America in trust for the land owner(s) with trust interests and/or by the land owner(s) with restricted interests and/or fee simple interests, as listed in Appendix "A" attached to and incorporated in this Title Status Report.

The title to Tract 791 T 8156 is current, complete, correct, and without defect. Ownership is in unity and interests are owned in the following title status: trust.

The tract ownership is encumbered by the title documents as listed on Appendix "B" attached to and incorporated in this Title Status Report.

No Tract Notes or Coded Remarks for this tract.

This report does not cover encroachments nor any other rights that might be disclosed by a physical inspection of the premises, nor questions of location or boundary that an accurate survey may disclose. This Report also does not cover encumbrances, including but not limited to irrigation charges, unpaid claims, not filed or recorded in this Land Titles and Records Office. This report does not state the current ownership of the interests owned in fee simple but states the ownership at the time the interest ceased to be held in trust or restricted ownership status.

This Title Status Report is a true and correct report of the status of title to the real estate described herein according to the official land records recorded and maintained in this office.

Appendix "A"

Effective Ownership as of 12/03/2004

----- OWNER -----				- DOCUMENT -		NAME IN WHICH	FRACTION TRACT	AGGREGATE SHARE	AGGREGATE
Tribe	Indian or Non- Indian	Title Status	Interest*	Class	Type	SURNAME/FIRST NAME	AS ACQUIRED	CONVERTED TO LCD	DECIMAL
NAVAJO NATION	Tribe	Trust	All	Treaty	SPEC AUT	NAVAJO TRIBE	1 1	1 1	1.0000000000

* "All" means the equitable beneficial interest and the legal title interest merged together.

IN TRUST:	1
	1 1.0000000000
IN FEE:	0
	1 .0000000000
TOTAL:	1
	1 1.0000000000

Appendix "C"

Land Legal Description

Land Area	Land Area Name	Tract Number	LTRO	Region	Agency	Resources	
Section	Township	Range	State	County	Meridian	Legal Description	Acres
791	NAVAJO-NEW MEXICO	T 8156	SOUTHWEST	NAVAJO REGIONAL OFFICE	NAVAJO REGIONAL OFFICE	Both	
1	020.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico	S	320.000
						LOT 01=	11.950
						LOT 02=	12.090
						LOT 03=	12.220
						LOT 04=	12.360
						LOT 05=	40.000
						LOT 06=	40.000
						LOT 07=	40.000
						LOT 08=	40.000
						LOT 09=	40.000
						LOT 10=	40.000
						LOT 11=	40.000
						LOT 12=	40.000
						PROTRACTED SURVEY	
2	020.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico	S	320.000
						LOT 01=	12.440
						LOT 02=	12.490
						LOT 03=	12.540
						LOT 04=	12.600
						LOT 05=	40.000
						LOT 06=	40.000
						LOT 07=	40.000
						LOT 08=	40.000
						LOT 09=	40.000
						LOT 10=	40.000
						LOT 11=	40.000
						LOT 12=	40.000
						PROTRACTED SURVEY	
3	020.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico	S	320.000
						LOT 01=	12.650
						LOT 02=	12.690
						LOT 03=	12.700
						LOT 04=	12.720
						LOT 05=	40.000
						LOT 06=	40.000
						LOT 07=	40.000
						LOT 08=	40.000
						LOT 09=	40.000
						LOT 10=	40.000
						LOT 11=	40.000
						LOT 12=	40.000
						PROTRACTED SURVEY	
4	020.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico	S	320.000
						LOT 01=	12.730
						LOT 02=	12.760
						LOT 03=	12.800
						LOT 04=	12.830
						LOT 05=	40.000
						LOT 06=	40.000
						LOT 07=	40.000
						LOT 08=	40.000
						LOT 09=	40.000
						LOT 10=	40.000
						LOT 11=	40.000
						LOT 12=	40.000
						PROTRACTED SURVEY	
5	020.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico	S	320.000
						LOT 01=	12.840
						LOT 02=	12.850
						LOT 03=	12.860

Appendix "C"							
Section	Township	Range	State	County	Meridian	Legal Description	Acres
						LOT 04=	12.860
						LOT 05=	40.000
						LOT 06=	40.000
						LOT 07=	40.000
						LOT 08=	40.000
						LOT 09=	40.000
						LOT 10=	40.000
						LOT 11=	40.000
						LOT 12=	40.000
						PROTRACTED SURVEY	
6	020.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico	E SW	80.000
						SE	160.000
						LOT 01=	12.860
						LOT 02=	12.880
						LOT 03=	12.900
						LOT 04=	12.480
						LOT 05=	38.650
						LOT 06=	40.000
						LOT 07=	40.000
						LOT 08=	40.000
						LOT 09=	40.000
						LOT 10=	40.000
						LOT 11=	40.000
						LOT 12=	38.670
						LOT 13=	38.700
						LOT 14=	38.720
						PROTRACTED SURVEY	
7	020.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico	E W	160.000
						E	320.000
						LOT 01=	38.730
						LOT 02=	38.760
						LOT 03=	38.780
						LOT 04=	38.810
						PROTRACTED SURVEY	
8	020.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROTRACTED SURVEY	
9	020.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROTRACTED SURVEY	
10	020.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROTRACTED SURVEY	
11	020.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROTRACTED SURVEY	
12	020.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROTRACTED SURVEY	
13	020.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROTRACTED SURVEY	
14	020.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROTRACTED SURVEY	
15	020.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROTRACTED SURVEY	
16	020.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROTRACTED SURVEY	
17	020.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROTRACTED SURVEY	
18	020.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico	E W	160.000
						E	320.000
						LOT 01=	38.830
						LOT 02=	38.860
						LOT 03=	38.880
						LOT 04=	38.910
						PROTRACTED SURVEY	
19	020.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico	E W	160.000
		</					

Appendix "C"

Section	Township	Range	State	County	Meridian	Legal Description	Acres
						LOT 02=	38.970
						LOT 03=	38.990
						LOT 04=	39.030
						PROTRACTED SURVEY	
20	020.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROTRACTED SURVEY	
21	020.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROTRACTED SURVEY	
22	020.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROTRACTED SURVEY	
23	020.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROTRACTED SURVEY	
24	020.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROTRACTED SURVEY	
25	020.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROTRACTED SURVEY	
26	020.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROTRACTED SURVEY	
27	020.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROTRACTED SURVEY	
28	020.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROTRACTED SURVEY	
29	020.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROTRACTED SURVEY	
30	020.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico	E W	160.000
						E	320.000
						LOT 01=	39.050
						LOT 02=	39.080
						LOT 03=	39.100
						LOT 04=	39.130
						PROTRACTED SURVEY	
31	020.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico	E W	160.000
						E	320.000
						LOT 01=	39.150
						LOT 02=	39.190
						LOT 03=	39.210
						LOT 04=	39.250
						PROTRACTED SURVEY	
32	020.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROTRACTED SURVEY	
33	020.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROTRACTED SURVEY	
34	020.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROTRACTED SURVEY	
35	020.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROTRACTED SURVEY	
36	020.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROTRACTED SURVEY	
TOTAL TRACT ACRES:							23317.480

United States Department of the Interior
Bureau of Indian Affairs
Title Status Report

Report Certification Time and Date: 09/08/2011 08:00:00 PM
Requestor: ABOWMAN1 Date/Time: 08/02/2016 20:00:07

See Appendix C for Land Legal Descriptions

Title Status

Tract 791 T 8179 is held by the United States of America in trust for the land owner(s) with trust interests and/or by the land owner(s) with restricted interests and/or fee simple interests, as listed in Appendix "A" attached to and incorporated in this Title Status Report.

The title to Tract 791 T 8179 is current, complete, correct, and without defect. Ownership is in unity and interests are owned in the following title status: trust.

The tract ownership is encumbered by the title documents as listed on Appendix "B" attached to and incorporated in this Title Status Report.

No Tract Notes or Coded Remarks for this tract.

This report does not cover encroachments nor any other rights that might be disclosed by a physical inspection of the premises, nor questions of location or boundary that an accurate survey may disclose. This Report also does not cover encumbrances, including but not limited to irrigation charges, unpaid claims, not filed or recorded in this Land Titles and Records Office. This report does not state the current ownership of the interests owned in fee simple but states the ownership at the time the interest ceased to be held in trust or restricted ownership status.

This Title Status Report is a true and correct report of the status of title to the real estate described herein according to the official land records recorded and maintained in this office.

Appendix "A"

Effective Ownership as of 12/03/2004

---- OWNER ----				- DOCUMENT -		NAME IN WHICH	FRACTION TRACT	AGGREGATE SHARE	AGGREGATE
Tribe	Indian or Non-Indian	Title Status	Interest*	Class	Type	SURNAME/FIRST NAME	AS ACQUIRED	CONVERTED TO LCD	DECIMAL
NAVAJO NATION	Tribe	Trust	All	Treaty	SPEC AUT	NAVAJO TRIBE	1	1	1.0000000000

* "All" means the equitable beneficial interest and the legal title interest merged together.

IN TRUST:	1	1.0000000000
IN FEE:	0	.0000000000
TOTAL:	1	1.0000000000

Appendix "C"

Land Legal Description

Land Area	Land Area Name	Tract Number	LTRO	Region	Agency	Resources	
791	NAVAJO-NEW MEXICO	T 8179	SOUTHWEST	NAVAJO REGIONAL OFFICE	NAVAJO REGIONAL OFFICE	Both	
Section	Township	Range	State	County	Meridian	Legal Description	Acres
1	019.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico	S N	160.000
						S	320.000
						LOT 01=	40.070
						LOT 02=	40.180
						LOT 03=	40.280
						LOT 04=	40.390
2	019.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico	S N	160.000
						S	320.000
						LOT 01=	40.420
						LOT 02=	40.370
						LOT 03=	40.330
						LOT 04=	40.280
3	019.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico	S N	160.000
						S	320.000
						LOT 01=	40.260
						LOT 02=	40.260
						LOT 03=	40.260
						LOT 04=	40.260
4	019.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico	S N	160.000
						S	320.000
						LOT 01=	40.250
						LOT 02=	40.230
						LOT 03=	40.210
						LOT 04=	40.190
5	019.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico	S N	160.000
						S	320.000
						LOT 01=	40.170
						LOT 02=	40.150
						LOT 03=	40.130
						LOT 04=	40.110
6	019.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico	SE NW	40.000
						E SW	80.000
						S NE	80.000
						SE	160.000
						LOT 01=	40.080
						LOT 02=	40.030
						LOT 03=	39.980
						LOT 04=	39.080
						LOT 05=	38.950
						LOT 06=	38.790
						LOT 07=	38.760
7	019.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico	E W	160.000
						E	320.000
						LOT 01=	38.780
						LOT 02=	38.860
						LOT 03=	39.010
						LOT 04=	39.110
8	019.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
9	019.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
	PROTRACTED SURVEY						
10	019.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
	PROTRACTED SURVEY						

Appendix "C"

<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>State</u>	<u>County</u>	<u>Meridian</u>	<u>Legal Description</u>	<u>Acres</u>
11	019.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROTRACTED SURVEY	
12	019.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROTRACTED SURVEY	
13	019.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROTRACTED SURVEY	
14	019.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROTRACTED SURVEY	
15	019.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROTRACTED SURVEY	
16	019.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROTRACTED SURVEY	
17	019.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROTRACTED SURVEY	
18	019.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico	E W	160.000
						E	320.000
						LOT 01=	39.170
						LOT 02=	39.180
						LOT 03=	39.200
						LOT 04=	39.210
19	019.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico	E W	160.000
						E	320.000
						LOT 01=	39.230
						LOT 02=	39.270
						LOT 03=	39.290
						LOT 04=	39.330
20	019.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROTRACTED SURVEY	
21	019.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROTRACTED SURVEY	
22	019.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROTRACTED SURVEY	
23	019.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROTRACTED SURVEY	
24	019.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROTRACTED SURVEY	
25	019.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROTRACTED SURVEY	
26	019.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROTRACTED SURVEY	
27	019.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROTRACTED SURVEY	
28	019.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROTRACTED SURVEY	
29	019.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROTRACTED SURVEY	
30	019.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico	E W	160.000
						E	320.000
						LOT 01=	39.350
						LOT 02=	39.380
						LOT 03=	39.400
						LOT 04=	39.430
31	019.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico	E W	160.000
						E	320.000
						LOT 01=	39.450
						LOT 02=	39.490
						LOT 03=	39.510
						LOT 04=	39.550
32	019.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROTRACTED SURVEY	

Appendix "C"

<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>State</u>	<u>County</u>	<u>Meridian</u>	<u>Legal Description</u>	<u>Acres</u>
33	019.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROTRACTED SURVEY	
34	019.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROTRACTED SURVEY	
35	019.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROTRACTED SURVEY	
36	019.00N	017.00W	NEW MEXICO	MCKINLEY	New Mexico		640.000
						PROTRACTED SURVEY	
TOTAL TRACT ACRES:							23025.670

100-300 (NGWSP)
NGWSP. 1 arr/ St...

RECEIVED

MAR 12 2010



United States Department of the Interior
BUREAU OF INDIAN AFFAIRS

Fort Defiance Agency
P.O. Box 619
Fort Defiance, Arizona 86504

WCAO, DUBANGO, CO

OFFICIAL FILE COPY
RECEIVED BOR W.C.A.O.
GRAND JUNCTION

100-300

Real Estate Services
M/C: 6N420

MAR 01 2010

CLASS	PRJ.	CNTR.	FLDR.
CLASS	INITIALS	SURNAME	
3/9	7/20	6390	
		27.2.24	

Ms. Kathleen Ozga
Lands and Recreation Group Chief
Bureau of Reclamation
Western Colorado Area Office
2764 Compass Drive, Suite 106
Grand Junction, CO 81506-8785

Dear Ms. Ozga:

Reference is made to your request for permission to survey to begin a surface investigation, walk on along the proposed pipeline corridor for the Navajo-Gallup Water Supply Project (San Juan Lateral) commencing from Naschitti, San Juan County, to Gallup, McKinley County, New Mexico. This investigation will determine if any problems exist prior to doing the center line alignment survey. This authorization is for Navajo trust lands only, does not include Indian Allotments or private lands.

The Navajo Nation has given its concurrence to the survey by letter dated August 14, 2009 (copy enclosed).

Authorization is hereby granted to proceed with the necessary survey subject to any prior rights or adverse claims and to all applicable regulations of 25 CFR. This authorization is for SURVEY ONLY. Upon completion, a formal application for right-of-way for the project should be submitted in accordance with 25 CFR 169, to the Regional Director, Bureau of Indian Affairs, Fort Defiance Agency, Attention: Real Estate Services, P. O. Box 619, Fort Defiance, Arizona 86504.

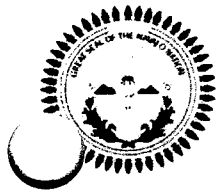
If you have any questions, please contact Oma M. Wauneka, Realty Specialist at (928) 729-7211.

Sincerely,

ACTING Regional Director

Enclosure

cc: Director, TNN, Project Review Office, Window Rock, Az



THE NAVAJO NATION

RUSSELL BEGAYE
JONATHAN NEZ

October 5, 2016

United States Department of Interior
BUREAU OF RECLAMATION
Upper Colorado Region
Four Corners Construction Office
1235 La Plata Highway
Farmington, NM 87401

Dear Mr. Longwell,

This is official notice that the Navajo Nation hereby grants permission to conduct surveys and engineering design data collection, over and across Navajo Tribal Trust Lands located within the boundaries of the Shiprock, Sanostee, Two Grey Hills, Newcomb, Sheepsprings, Nashcitti, Tohatchi and, Twin Lakes Chapters.

For future reference, 25 CFR Part 169, Subpart C §169.101(b), regarding the permission to survey has been eliminated in this new rule regulation, approved and implemented on April 21, 2016 by the Bureau of Indian Affairs (BIA). Obtaining permission to survey is no longer a requirement.

If you have any questions please contact me at 928-871-6401, thank you.

Sincerely,

Mike Halona, Department Director
Navajo Land Department
DIVISION OF NATURAL RESOURCES

xc: *Howard Draper, Programs & Project Specialist, NLD*
Elerina Yazzie, Program Manager, NLD
Michael Braman, Realty Specialist, BOR
Jason John, Director, Navajo Water Resources
Chrono/File



THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT

September 9, 2016

Lawrence S. Roberts
Assistant Secretary – Indian Affairs
Department of the Interior
MS-3642-MIB
1849 C Street, N.W.
Washington, D.C. 20240

Subject: Navajo Nation's Support of Waiver Request under 25 C.F.R. § 1.2, of the 25 C.F.R. § 169.103 Bond Requirement for all Navajo-Gallup Water Supply Project (NGWSP) Rights of Way

Dear Assistant Secretary Roberts:

The Navajo-Gallup Water Supply Project (NGWSP) is the cornerstone of the Navajo Nation San Juan River Basin in New Mexico Water Rights Settlement Agreement (Settlement). The Navajo Nation has been working closely with the Bureau of Reclamation and the Bureau of Indian Affairs (BIA) to ensure the project's completion by 2024, the deadline mandated by the authorizing legislation. As such, and through a financial assistance agreement with Reclamation, the Nation has taken an active role in designing and constructing a portion of the project on the Cutter Lateral.

One of the major undertakings involved in getting the project built is the acquisition of the right-of-way (ROW) necessary to construct, operate, and maintain the project. On April 21, 2016, new 25 C.F.R. Part 169 ROW Regulations took effect which differ in a significant way for purposes of NGWSP project completion from the pre-existing 25 C.F.R. §169 Regulations that had been in effect when Reclamation and the Nation began seeking consents from allottees for ROW across individual Indian allotments. The new regulations omitted BIA's authority to directly waive the bonding requirement when seeking ROW. The new regulations do allow grantees to seek a waiver from individual Indian allottees and tribes, but in the case of NGWSP, going back and seeking this consent for waiver now would result in significant delays and added expenses to the project.

We understand that Reclamation and BIA are in the process of seeking a waiver, under 25 C.F.R. § 1.2, of the 25 C.F.R. § 169.103 bond requirement for all NGWSP ROWs not issued prior to April 21, 2016, whether the ROW-holder is a federal agency or an agency of the Navajo Nation. The Nation fully supports their request and believes it is in the best interest of the Nation and its people. A waiver will help ensure that Reclamation's and the Nation's ROW acquisition process is not delayed on NGWSP which will result in the project getting completed within the legislated deadline which will benefit the Nation and its people.

Sincerely,

THE NAVAJO NATION

Russell Begaye, President

OFFICE OF THE SECRETARY OF THE INTERIOR
EXECUTIVE SECRETARIAT
Correspondence Transmittal

Date ES Received 1685/29/16

ES Tracking # 1500002740

Date Forwarded for Signature 12/17/2016

To: Roberts, Lawrence S.

From: Philip Sharkey

BIX - Navajo Regional Office

Subject: Request for Waiver under 25 C.F.R. 1.2 of the 25 C.F.R. 169.103 Bond Requirement for Right of Way Applications for the Navajo Gallup Water Supply Project

Response: Request for Waiver under 25 C.F.R. 1.2 of the 25 C.F.R. 169.103 Bond Requirement for
Summary: Right of Way Applications for the Navajo Gallup Water Supply Project

Lead Response Office

A. O. T. R. S.

Response Writer

A. O. T. R. S.

Submitting Office

Approved By

Date Approved

OS/A

M. Smith

11/22/2016

A. O. T. R. S.

R. Riggs

11/22/2016

A. O. T. R. S.

C. R. R. R. S.

11/22/2016

SO/DA

J. Turner

11/22/2016

A. Advisor

C. Hastings

11/22/2016

A. O. T. R. S.

C. Walters

11/22/2016

Deputy Secretary

Associate Deputy Secretary

Executive Secretariat

Secretary

SGMAC

Other (NO SECRETARY)

COMMENTS



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Washington, DC 20240

NOV 22 2016

Memorandum

To: Principal Deputy Assistant Secretary – Indian Affairs

From: ^{Acting} Director, Bureau of Indian Affairs

Subject: Request for Waiver under 25 CFR § 1.2 of the 25 CFR § 169.103 Bond Requirement for Right-of-Way Applications for the Navajo-Gallup Water Supply Project

The Navajo-Gallup Water Supply Project (NGWSP) in northwest New Mexico is the cornerstone of the Northwestern New Mexico Rural Water Projects Act, Pub. L. 111-11, § 10301 *et seq.* (March 30, 2009) (the Settlement Act) and the 2010 Navajo Nation San Juan River Water Rights Settlement Agreement between the Navajo Nation (the Nation), the State of New Mexico, and the United States. The NGWSP is a major infrastructure project comprising about 280 miles of pipeline, 24 pumping plants and two water treatment plants, as well as numerous water regulation and storage facilities, that altogether will provide a long-term, sustainable and reliable municipal and industrial water supply from the San Juan River Basin to more than 43 Chapters on the Navajo Reservation, to the southwest portion of the Jicarilla Apache reservation, and to the city of Gallup, New Mexico. The Settlement Act provides that all project features are to be completed no later than December 31, 2024, mandating an aggressive construction schedule for a project of this scale.

On October 11, 2011, President Obama designated the NGWSP as one of 14 federal infrastructure projects to be expedited through permitting and environmental review processes, in order to improve the efficiency of federal reviews needed to help infrastructure projects move as quickly as possible from the drawing board to completion. NGWSP was the only project within the Department of the Interior (Department) to be designated among these priority projects, which came as a result of a Presidential Memorandum dated August 31, 2011, in which President Obama directed agencies to expedite environmental reviews and permit decisions for a select number of high priority infrastructure projects.

In accordance with the President's directive, the Department has worked diligently to advance the NGWSP from the drawing board to completion, and in 2012, the Bureau of Reclamation (Reclamation) in coordination and cooperation with the Bureau of Indian Affairs (BIA) began the process of preparing rights-of-way (ROW) applications, including seeking consent for the ROW's from individual Indian allottees and the Nation. Reclamation has received the necessary consents from individual Indian allottees on 25 allotments where ROW's are needed for the project. This represents all of the allotted land required for the project. In addition, Reclamation has received consent from the Navajo Nation for two parcels of Navajo tribal land, and will be seeking consent for approximately seven more ROW applications across Navajo tribal land over the next two to three years for the remaining portion of pipeline to be constructed (approximately 100 miles).

While all of the necessary consents on allotted lands were received prior to April 21, 2016, the date the new 25 CFR Part 169 Right of Way Regulations took effect, and not all applications for ROW's across allotted lands have been submitted to BIA. For instance, Reclamation has not yet

completed applications for four out of the 25 parcels of allotted lands for which it has obtained consents. In addition, Reclamation recently received consent from the Navajo Nation on two tribal land parcels and another one is pending, but the associated ROW applications for those parcels were not submitted to BIA before the new ROW regulations took effect.

The timing of the submission of these post-April 21, 2016, ROW applications has introduced a critical issue because the new ROW regulations differ in a significant way for purposes of NGWSP project completion from the pre-existing 25 CFR Part 169 Right of Way Regulations that had been in effect when Reclamation began seeking consents for the NGWSP Project and the President identified the NGWSP as a high-priority project.

The old ROW regulations at 25 CFR § 169.5 (2015) permitted BIA to grant waivers to federal agencies for the bond requirement for ROWs, in recognition that the Anti-Deficiency Act prohibits federal agencies from contracting to broad-based indemnification terms. (*See* 25 CFR § 169.5 (2015) "When the applicant is the U.S. Government or a State Government or an instrumentally thereof and is prohibited by law from executing any of the above stipulations, the Secretary may waive the requirement that the applicant agree to any stipulations so prohibited.")

The new ROW regulations omitted BIA's authority to directly waive the bond requirement in recognition of federal agencies' Anti-Deficiency Act limitations. (*See* 25 CFR § 169.103.) Instead, the new ROW regulations subject federal agencies to the bond requirements applicable to all other parties, and provide only two more nuanced avenues for waiver of the bond requirement; a 25 CFR § 1.2 waiver from the Assistant Secretary – Indian Affairs, or a 25 CFR § 169.103(f) waiver that requires allottees to request the waiver or for the BIA to defer to the Nation to the maximum extent possible for a determination that the waiver is in its best interest (depending upon whether the ROW is sought from allottees or the Nation). (*See* 25 CFR § 1.2 "[T]he Secretary retains the power to waive or make exceptions to his regulations as found in chapter 1 of title 25 CFR in all cases where permitted by law and the Secretary finds that such waiver or exception is in the best interest of the Indians;" and 25 CFR § 169.103(f) "We may waive the requirement for a bond, insurance, or alternative form of security: (1) For individually owned Indian land, if the Indian landowners of the majority of the interests request it and we determine, in writing, that a waiver is in the Indian landowners' best interest considering the purpose of and risks associated with the right-of-way, or ... (2) For tribal land, deferring, to the maximum extent possible, to the tribe's determination that a waiver of a bond, insurance or alternative form of security is in its best interest.")

While 25 CFR § 169.103 provides for the waiver of the requirement for a bond, insurance, or alternative form of security so long as consent for such waiver is received from the tribe (for tribal trust land) or the majority of interests of individual Indian landowners (for allotted land), this was not sought for the pending NGWSP ROW applications because the consent process was initiated well before the new rules took effect (and 25 CFR Part 169 (2016) contained clear waiver language).

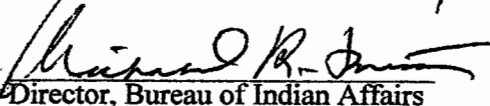
Reclamation and BIA recognize that although the consent process for the NGWSP ROW's was initiated well before the new ROW regulations were proposed, the agencies could seek a determination from the Navajo Nation that waiver of the bond requirement for remaining or future trust land ROW applications would be in the Nation's best interest, and that it could seek consent from a majority of allottees for a waiver of the bond requirement for remaining or future allottee ROW applications; however, engaging in this process would result in a significant impact to the construction schedule for the NGWSP, which in turn could impact the agencies' ability to complete the project within its legislated deadline of 2024. (*See* Pub. L. 111 § 10701(e)(1)(A)(ix) (March 30, 2009) ("NAVAJO-GALLUP WATER SUPPLY PROJECT—Not later than December 31, 2024, the construction of all Project facilities shall be completed.")).

Reclamation and the BIA recognize the allottee consent process for these ROWs took nearly four years, and re-engaging with the allottees to obtain their recommendations for waiver of the bond requirement likely will not allow Reclamation to meet the President's directive that the NGWSP move forward apace. Furthermore, re-submitting trust land ROW applications to the Nation that have either gone through, or are in the process of going through, the Nation's consent approval process would result in direct impacts to impending construction contracts where these ROWs are required. Therefore, Reclamation and BIA respectfully submit this waiver request, seeking a waiver, under 25 CFR § 1.2, of the 25 CFR § 169.103 bond requirement for all NGWSP ROWs not issued prior to April 21, 2016, whether the ROW applicant is a federal agency, a state agency, an agency of the Nation, or an instrumentality thereof. Reclamation and BIA request that the Assistant Secretary expedite review of this request in order to aid the Department in moving the NGWSP forward in the face of the unforeseen slow-down created by the application of the new ROW regulations, which unexpectedly omitted the federal agency bond waiver provision from the 25 CFR Part 169 (2016) ROW regulations.

In the spirit of the President's initiative, and in order to meet the aggressive Congressionally mandated schedule for completing this high-priority project, we respectfully request that the Assistant Secretary waive the 25 CFR § 169.103 bond requirement for all NGWSP ROWs not issued prior to April 21, 2016, recognizing that doing so is in the best interest of the Navajo Nation, the Jicarilla Apache Nation, and their members, because it will permit NGWSP construction to proceed in accordance with a schedule that will allow the project to be completed as directed by the President of the United States and Congress and project benefits bargained for by the Tribes on behalf of their members pursuant to a negotiated water settlement to accrue to the benefit of the Tribal communities served as contemplated under the Navajo San Juan Water Rights Settlement. The Navajo Nation confirmed that the waiver was in the best interest of the Nation in the attached letter of support signed by President Begaye dated September 9, 2016.

For the reasons stated herein, we recommend approval of the Assistant Secretary to waive the regulatory requirement under 25 CFR § 169.103 for a bond for all NGWSP ROWs not issued prior to April 21, 2016, whether the ROW applicant is a federal agency, a state agency, an agency of the Nation, or an instrumentality thereof.

Concur with waiver request:


Director, Bureau of Indian Affairs

12/20/2016
Date

Do not concur with waiver request:

Director, Bureau of Indian Affairs

Date

Waiver Request is approved:


Principal Deputy Assistant Secretary - Indian Affairs

12/14/2016
Date

Waiver Request is denied:

Principal Deputy Assistant Secretary - Indian Affairs

Date

Attachment

**BIOLOGICAL RESOURCES COMPLIANCE FORM
NAVAJO NATION DEPARTMENT OF FISH AND WILDLIFE
P.O. BOX 1480, WINDOW ROCK, ARIZONA 86515-1480**

It is the Department's opinion the project described below, with applicable conditions, is in compliance with Tribal and Federal laws protecting biological resources including the Navajo Endangered Species and Environmental Policy Codes, U.S. Endangered Species, Migratory Bird Treaty, Eagle Protection and National Environmental Policy Acts. This form does not preclude or replace consultation with the U.S. Fish and Wildlife Service if a Federally-listed species is affected.

PROJECT NAME & NO.: Block 9-11 of the Navajo-Gallup Water Supply Project, #7409

DESCRIPTION: The USBR proposes a ROW of approximately 147.58± acres and a TCE of 118.87± acres for the construction, operation, and maintenance of Reaches 9-11.

LOCATION: Sections 16, 20, 21, 29, 31 & 32, T19N, R17W; Section 6 & 7, T18N, R17W; Sections 12, 13, 23, 24, 26, 27, 34, T18N, R18W; and Sections 3, 4, 9, 16, 17, T17N, R18W, NMPM, McKinley County, New Mexico

REPRESENTATIVE: Patrick Page, U.S. Bureau of Reclamation, Four Corners Construction Office

ACTION AGENCY: Bureau of Indian Affairs, U.S. Bureau of Reclamation, and Navajo Nation

B.R. REPORT TITLE / DATE / PREPARER: Request for review and concurrence/13 FEB 2017/Patrick Page

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 3.

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: [1] *Athene cunicularia* (Burrowing Owl) G4, MBTA; [2] *Charadrius montanus* (Mountain Plover) G4, MBTA.

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

AVOIDANCE / MITIGATION MEASURES: The USBR will implement mitigation measures to avoid impacts to the Burrowing Owl (*Athene cunicularia*) and Mountain Plover (*Charadrius montanus*).

CONDITIONS OF COMPLIANCE*: NA

FORM PREPARED BY / DATE: Pamela A. Kyselka/13 FEB 2016

COPIES TO: (add categories as necessary)



2 NTC § 164 Recommendation:

Signature

Date

☒ Approval

☐ Conditional Approval (with memo)

☐ Disapproval (with memo)

☐ Categorical Exclusion (with request letter)

☐ None (with memo)

Gloria M. Tom
Gloria M. Tom, Director, Navajo Nation Department of Fish and Wildlife

*I understand and accept the conditions of compliance, and acknowledge that lack of signature may be grounds for the Department not recommending the above described project for approval to the Tribal Decision-maker.

Representative's signature

Date



THE NAVAJO NATION

RUSSELL BEGAYE
JONATHAN NEZ

MEMORANDUM

TO : Jeffrey Cole, Wildlife Manager
Department of Fish and Wildlife
DIVISION OF NATURAL RESOURCES

FROM : *[Signature]*
For Gloria M. Tom, Department Manager II
Department of Fish and Wildlife
DIVISION OF NATURAL RESOURCES

DATE : February 13, 2017

SUBJECT : DELEGATION OF AUTHORITY

I will be on travel and I am hereby delegating you to act in the capacity of the Director, Department of Fish and Wildlife, effective 8:00 am on Monday, February 13, 2017. This delegation shall end at 5:00 p.m. on Tuesday, February 14, 2017.

Your authority will cover the review and signing off of all routine documents pertaining to the Department of Fish and Wildlife, except for issues that you feel should have the attention of the Director.

ACKNOWLEDGEMENT:

[Signature]
Jeffrey Cole, Wildlife Manager
Department of Fish and Wildlife
DIVISION OF NATURAL RESOURCES

xc: Bidtah Becker, Executive Director, DNR



United States Department of the Interior

BUREAU OF RECLAMATION

Western Colorado Area Office

Durango Field Division

185 Suttle Street, Suite 2

Durango, Colorado 81303-7911

IN REPLY REFER TO:

WCD-GHaymes
ENV-3.00

APR 25 2016

CERTIFIED – RETURN RECEIPT REQUESTED

Dr. Ora Marek-Martinez
Tribal Historic Preservation Officer
Navajo Nation Historic Preservation Department
P.O. Box 4950
Window Rock, Arizona 86515

Subject: National Historic Preservation Act (NHPA) Section 106 Consultation for *The Navajo-Gallup Water Supply Project (NGWSP), Class III Inventory and Ethnographic Summary for the San Juan Lateral, Volume II: Reaches 9-11, Navajo Nation and McKinley County, New Mexico.*

Dear Dr. Marek-Martinez:

The Bureau of Reclamation is initiating consultation with your office under the *Programmatic Agreement Among The Bureau of Reclamation, The Advisory Council on Historic Preservation, The New Mexico State Historic Preservation Officer, The Navajo Nation, The Bureau of Land Management, and The Bureau of Indian Affairs Regarding the Consideration and Management of Effects On Historic Properties Arising from Construction of the Navajo-Gallup Water Supply Project, New Mexico (NGWSP PA)*, an alternative to the implementing regulations of NHPA Section 106 at 36 C.F.R. Part 800. The undertaking and identified historic properties within its area of potential effect (APE) have been addressed in a report by permitted firm PaleoWest Archaeology, LLC., *The Navajo-Gallup Water Supply Project, Class III Inventory and Ethnographic Summary for the San Juan Lateral, Volume II: Reaches 9-11, Navajo Nation and McKinley County, New Mexico*, PaleoWest Technical Report No. 15-15. Reclamation submits the draft Class III cultural resources inventory report for your review and comment. The enclosed report addresses identification efforts along Reaches 9, 10, and 11 of the NGWSP San Juan Lateral, encompassing a total APE of 28.4 miles x 400 feet, or 1,377 acres, entirely on Navajo Nation surface.

This inventory resulted in the recording of 131 archaeological sites, 67 isolated occurrences (IOs), 18 in-use sites (IUSs), 11 Traditional Cultural Properties (TCPs), and 8 Jishchaa' locations. Properties and locations other than archaeological sites are reported or summarized in tables within the report. Archaeological sites are discussed in greater detail. Archaeological sites, associated reach numbers, brief descriptions, and tentative determinations of eligibility for listing on the National Register of Historic Places (NRHP) appear in the three tables below. The

report and forms associated with the Navajo ethnography (TCPs and Jishchaa') are confidential and only submitted to the Navajo Nation Historic Preservation Department (NNHPD).

Reach 9

Legal location: T21N, R17W; Sec. 8, 17, 20, 28-29, 33; T20N, R17W; Sec. 4, 9, 16, 21, 28, 33; T19N, R17W; Sec. 4, 9, 16, 20-21, 28-29, 31-32.

A total of 67 IOs, 9 IUSs, 8 TCPs, 6 Jishchaa' locations, and 83 archaeological sites were located on Reach 9. Details regarding the latter are provided in the table below.

Site No.	Site Type	Site Description	NRHP Eligible?
LA2505	Prehistoric Structural	Anasazi (A.D. 900-1200)	Yes
LA32936	Prehistoric Structural	Anasazi (A.D. 775-950)	Yes
LA32939	Prehistoric Structural	Anasazi (A.D. 500- A.D. 1300)	Yes
LA32941	Historic Structural	Unknown historic (A.D. 1950-1980)	No
LA5203	Prehistoric Structural	Anasazi (A.D. 900-1300)	No
LA5204	Prehistoric Structural	Anasazi (A.D. 700-1100)	No
LA71884	Prehistoric Non-structural	Anasazi (A.D. 500-1300)	Need data
LA71888	Prehistoric Non-structural	Anasazi (A.D. 800-1000)	Need data
LA80404	Prehistoric Non-structural	Anasazi (A.D. 900-1200)	No
LA80406	Prehistoric Structural	Anasazi (A.D. 500-700) Anasazi (A.D. 900-1300)	Yes
LA80407	Prehistoric Non-structural	Anasazi (A.D. 500-1100)	Yes
LA80408	Prehistoric/Historic Structural	Anasazi (A.D. 1000-1200) Navajo (A.D. 1960-1970)	Yes
LA80409 (Connected with TCP R9-07)	Historic Structural	Navajo (A.D. 1950-1980)	No
LA80410	Prehistoric/Historic Non-structural	Anasazi (A.D. 700-900) Navajo (A.D. 1930-1950)	Yes
LA80412	Prehistoric Non-structural	Anasazi (A.D. 500-1100)	No
LA80413	Prehistoric/Historic Non-structural	Anasazi (A.D. 500-1100) Navajo (A.D. 1692-1868)	No
LA80414	Prehistoric Non-structural	Anasazi (A.D. 700-1000)	No
LA80415	Prehistoric Non-structural	Anasazi (A.D. 900-1100)	Yes
LA80951	Prehistoric Non-structural	Anasazi (A.D. 900-1100)	Yes
NM-H-62-101 (LA32935)	Prehistoric Structural	Anasazi (A.D. 500-1100)	Yes
NM-H-62-102 (LA145987)	Prehistoric Structural	Anasazi (A.D. 700-1100)	Yes
NM-H-62-104 (LA32931) (TCP R9-03 within site boundary)	Prehistoric/Historic Structural	Anasazi (A.D. 500-900) Navajo (A.D. 1900-1960)	Yes
NM-H-62-105 (LA145988) (Crossed by TCP R9-01)	Prehistoric/Historic Structural	Anasazi (A.D. 900-1200) Navajo (A.D. 1937-1980)	Yes
NM-H-62-106 (LA145989)	Prehistoric Structural	Anasazi (A.D. 900-1100)	Need data

NM-H-62-99 (LA145985)	Prehistoric Structural	Anasazi (A.D. 500-900)	Yes
NM-Q-3-66 (LA32949)	Prehistoric/Historic Structural	Anasazi (A.D. 800-1100) Navajo (A.D. 1960-1980)	Yes
NM-Q-3-68 (LA32948)	Historic Non-structural	Navajo and Anglo/EuroAmerican (A.D. 1930-present)	Need data
NM-Q-3-7 (LA74503)	Prehistoric Structural	Anasazi (A.D. 500-900)	Yes
NM-Q-3-70 (LA145982)	Historic Structural	Navajo (A.D. 1880-1920)	Yes
NM-Q-3-71 (LA32944)	Prehistoric Structural	Anasazi (A.D. 700-1100)	Yes
NM-Q-3-72 (LA32943)	Prehistoric/Historic Structural	Anasazi (A.D. 900-1200) Navajo (A.D. 1692-1753)	Yes
NM-Q-3-73 (LA32942)	Prehistoric Structural	Anasazi (A.D. 500-700)	Yes
NM-Q-3-76 (LA145984)	Prehistoric Structural	Anasazi (A.D. 500-900)	Yes
R9-02	Historic Non-structural	Navajo (A.D. 1945-1960)	No
R9-04 (Crossed by TCP R9-01)	Prehistoric/Historic Structural	Anasazi (A.D. 900-1300) Navajo (A.D. 1960-1980)	Yes
R9-05	Prehistoric Structural	Anasazi (A.D. 700-1100)	Yes
R9-07 (Also includes IUS R9-08)	Prehistoric/Historic Structural	Anasazi (A.D. 700-1100) Navajo (A.D. 1980-present)	Yes
R9-09	Prehistoric Non-structural	Anasazi (A.D. 875-975)	No
R9-10 (Crossed by TCP R9-01)	Historic Structural	Navajo (A.D. 1950s-1960s)	No
R9-11	Prehistoric Structural	Anasazi (A.D. 750-1000)	Yes
R9-13	Prehistoric Non-structural	Anasazi (A.D. 550-1175)	Yes
R9-14	Prehistoric/Historic Structural	Anasazi (A.D. 500-700) Navajo (A.D. 1880-1960)	Yes
R9-15	Prehistoric Structural	Anasazi (A.D. 1050-1230)	Yes
R9-16	Prehistoric Non-structural	Anasazi (A.D. 975-1175)	Yes
R9-17	Prehistoric Non-structural	Anasazi (A.D. 700-900)	No
R9-19	Prehistoric Non-structural	Anasazi (A.D. 750-900)	No
R9-20 (Contains B9-03)	Prehistoric/Historic Structural	Anasazi (A.D. 900-1100). Navajo (A.D. 1912-present)	Yes
R9-21	Prehistoric Non-structural	Anasazi (A.D. 900-1100)	Yes
R9-23 (Crossed by TCP R9-01)	Prehistoric Non-structural	Anasazi (A.D. 900-1100)	Yes
R9-24	Prehistoric Structural	Unknown prehistoric	Yes
R9-25	Prehistoric Non-structural	Anasazi (A.D. 775-1175)	Yes
R9-26	Prehistoric Structural	Anasazi (A.D. 500-900)	Yes
R9-27	Prehistoric Structural	Anasazi (A.D. 700-1100)	Yes
R9-29	Prehistoric Non-structural	Anasazi (A.D. 500-900)	Yes
R9-30	Prehistoric Structural	Anasazi (A.D. 700-1100)	Need data
R9-31	Prehistoric Non-structural	Anasazi (A.D. 500-1100)	Yes
R9-32	Prehistoric Non-structural	Anasazi (A.D. 500-700)	Need data
R9-33	Prehistoric Non-structural	Anasazi (A.D. 875-975)	Need data
R9-34	Prehistoric Non-structural	Anasazi (A.D. 550-900)	Yes

R9-35	Prehistoric/Historic Structural	Anasazi (A.D. 700-900) Navajo (A.D. 1930s-1970)	Yes
R9-38	Prehistoric Structural	Anasazi (A.D. 500-700)	Yes
R9-40	Prehistoric Structural	Anasazi (A.D. 500-700)	Yes
R9-41	Prehistoric Non-structural	Anasazi (A.D. 1050-1300)	Need data
R9-42	Prehistoric Non-structural	Anasazi (A.D. 900-1200)	Need data
R9-44	Historic Non-structural	Navajo (A.D. 1965-present)	No
R9-46	Prehistoric Non-structural	Anasazi (A.D. 500-700)	Need data
R9-47	Prehistoric Non-structural	Anasazi (A.D. 550-900)	Yes
R9-51	Prehistoric Non-structural	Unknown prehistoric	Yes
R9-52	Prehistoric Structural	Anasazi (A.D. 900-1300)	Yes
R9-54	Prehistoric Non-structural	Anasazi (A.D. 900-1300)	No
R9-55	Prehistoric Non-structural	Anasazi (A.D. 750-900)	Need data
R9-57	Unknown Non-structural	Unknown prehistoric	Yes
R9-58	Prehistoric/Historic Structural	Anasazi (A.D. 900-1300) Navajo (A.D. 1880-1940)	Yes
R9-60	Prehistoric Structural	Anasazi (A.D. 500-1300)	Need data
R9-61	Prehistoric Structural	Anasazi (A.D. 900-1200)	Need data
R9-62	Prehistoric Structural	Anasazi (A.D. 500-700)	Yes
R9-65	Prehistoric Structural	Anasazi (A.D. 500-1300)	Yes
R9-66	Prehistoric/Historic Non-structural	Anasazi (A.D. 500-1300) Navajo (A.D. 1600-present)	Yes
R9-67	Prehistoric Non-structural	Anasazi (A.D. 550-900)	Yes
R9-69 (Crossed by TCP R9-01)	Prehistoric Structural	Anasazi (A.D. 900-1100)	Yes
R9-71	Prehistoric Structural	Unknown prehistoric (B.C. 8000-A.D. 1540)	Need data
R9-73	Prehistoric Structural	Anasazi (A.D. 900-1100)	Yes
R9-75 (Crossed by TCP R9-01)	Prehistoric Non-structural	Anasazi (A.D. 750-900)	Yes

Reach 10

Legal location: T18N, R17W; Sec. 6-7; T18N, R18W; Sec. 12-13, 23-24, 26-27, 34.

A total of 10 IOs, 0 IUSs, 1 TCP, 0 Jishchaa' locations, and 31 archaeological sites were located on Reach 10. Details regarding the latter are provided in the table below.

Site No.	Site Type	Site Description	NRHP Eligible?
LA11610	Prehistoric Structural	Anasazi (A.D. 500-700) Anasazi (A.D. 900-1100)	Yes
LA2033	Prehistoric Non-structural	Anasazi (A.D. 900-1100)	Need data
LA2506	Prehistoric Structural	Anasazi (A.D. 500-1100) Navajo (A.D. 1950-1970)	Yes
LA2507	Prehistoric/Historic Structural	Anasazi (A.D. 600-850) Navajo (A.D. 1900-1980's)	Yes
LA2508	Prehistoric Structural	Anasazi (A.D. 550-1150)	Yes
LA6444	Prehistoric/Historic Structural	Anasazi (A.D. 500-1100) Navajo (A.D. 1945- Present)	Yes
LA80416	Prehistoric/Historic Structural	Anasazi (A.D. 500-1100) Navajo (A.D. 1945-1995)	Yes

LA80422	Prehistoric/Historic Structural	Anasazi (A.D.500-700) Navajo (A.D.1900- Present)	Yes
LA80424	Prehistoric Structural	Anasazi (A.D.500-900)	Yes
LA80425	Prehistoric Structural	Anasazi (A.D.550-1150) Navajo (A.D.1960's- 1980's)	Yes
LA80430	Prehistoric/Historic Structural	Anasazi (A.D.500-1100) Navajo (A.D.1945-1950)	Yes
LA80432	Prehistoric Non-structural	Anasazi (A.D.900-1100)	Need data
R10-01	Prehistoric/Historic Structural	Anasazi (A.D.900-1100) Navajo (A.D.1900-1960's)	Yes
R10-03	Prehistoric Non-structural	Anasazi (A.D.900-1200)	Need data
R10-05	Prehistoric Structural	Anasazi (A.D.900-1100)	Yes
R10-11	Prehistoric/Historic Structural	Anasazi (A.D.500-700) Anasazi (A.D.900-1300)	Yes
R10-19	Historic Structural	Navajo (A.D.1950's- 1970's)	Yes
R10-21	Prehistoric Structural	Anasazi (A.D.550-900)	Yes
R10-23	Prehistoric Structural	Anasazi (A.D.550-900)	Yes
R10-25	Prehistoric/Historic Structural	Anasazi (A.D.700-900) Navajo (A.D.1990-present)	Yes
R10-27	Prehistoric/Historic Structural	Anasazi (A.D.550-950) Navajo (A.D.1880-1915)	Yes
R10-29	Prehistoric/Historic Structural	Anasazi (A.D.550-1150) Navajo (Unknown historic- Present)	Yes
R10-31	Prehistoric Non-structural	Anasazi (A.D.550-900)	Yes
R10-33	Prehistoric Non-structural	Anasazi (A.D.900-1100)	Yes
R10-35	Prehistoric Structural	Anasazi (A.D.1000-1200)	Yes
R10-37	Prehistoric Non-structural	Anasazi (A.D.700-1100)	Need data
R10-39	Prehistoric/Historic Structural	Anasazi (A.D.500-1100) Navajo (A.D.1912-1960)	Yes
R10-49	Prehistoric Non-structural	Anasazi (A.D.500-900)	Need data
R10-57	Prehistoric Structural	Anasazi (A.D.500-1100)	Yes
R10-61	Prehistoric Structural	Anasazi (A.D.700-900)	Yes
LA11610	Prehistoric Structural	Anasazi (A.D.500-700) Anasazi (A.D.900-1100)	Yes
LA2033	Prehistoric Non-structural	Anasazi (A.D.900-1100)	Need data
LA2506	Prehistoric Structural	Anasazi (A.D.500-1100) Navajo (A.D.1950-1970)	Yes
LA2507	Prehistoric/Historic Structural	Anasazi (A.D.600-850) Navajo (A.D.1900-1980's)	Yes
LA2508	Prehistoric Structural	Anasazi (A.D.550-1150)	Yes
LA6444	Prehistoric/Historic Structural	Anasazi (A.D.500-1100) Navajo (A.D.1945- Present)	Yes
LA80416	Prehistoric/Historic Structural	Anasazi (A.D.500-1100) Navajo (A.D.1945-1995)	Yes
LA80422	Prehistoric/Historic Structural	Anasazi (A.D.500-700) Navajo (A.D.1900- Present)	Yes
LA80424	Prehistoric Structural	Anasazi (A.D.500-900)	Yes
LA80425	Prehistoric Structural	Anasazi (A.D.550-1150) Navajo (A.D.1960's-1980's)	Yes
LA80430	Prehistoric/Historic Structural	Anasazi (A.D.500-1100) Navajo (A.D.1945-1950)	Yes
LA80432	Prehistoric Non-structural	Anasazi (A.D.900-1100)	Need data
R10-01	Prehistoric/Historic Structural	Anasazi (A.D.900-1100) Navajo (A.D.1900-1960's)	Yes
R10-03	Prehistoric Non-structural	Anasazi (A.D.900-1200)	Need data

R10-05	Prehistoric Structural	Anasazi (A.D.900-1100)	Yes
R10-11	Prehistoric/Historic Structural	Anasazi (A.D.500-700) Anasazi (A.D.900-1300)	Yes
R10-19	Historic Structural	Navajo (A.D.1950's-1970's)	Yes
R10-21	Prehistoric Structural	Anasazi (A.D.550-900)	Yes
R10-23	Prehistoric Structural	Anasazi (A.D.550-900)	Yes
R10-25	Prehistoric/Historic Structural	Anasazi (A.D.700-900) Navajo (A.D.1990-present)	Yes
R10-27	Prehistoric/Historic Structural	Anasazi (A.D.550-950) Navajo (A.D.1880-1915)	Yes
R10-29	Prehistoric/Historic Structural	Anasazi (A.D.550-1150) Navajo (Unknown historic- Present)	Yes
R10-31	Prehistoric Non-structural	Anasazi (A.D.550-900)	Yes
R10-33	Prehistoric Non-structural	Anasazi (A.D.900-1100)	Yes
R10-35	Prehistoric Structural	Anasazi (A.D.1000-1200)	Yes
R10-37	Prehistoric Non-structural	Anasazi (A.D.700-1100)	Need data
R10-39	Prehistoric/Historic Structural	Anasazi (A.D.500-1100) Navajo (A.D.1912-1960)	Yes
R10-49	Prehistoric Non-structural	Anasazi (A.D.500-900)	Need data
R10-57	Prehistoric Structural	Anasazi (A.D.500-1100)	Yes
R10-61	Prehistoric Structural	Anasazi (A.D.700-900)	Yes

Reach 11

Legal location: T18N, R18W; Sec. 26-27, 34; T17N, R18W; Sec. 3-4, 9, 16-17

A total of 17 IOs, 9 IUSs, 2 TCPs, 2 Jishchaa' locations, and 17 archaeological sites were located on Reach 11. Details regarding the latter are provided in the table below.

Site No.	Site Type	Site Description	NRHP Eligible?
LA6448	Prehistoric Non-structural	Anasazi (A.D.1-500)	Yes
LA80433	Prehistoric Structural	Anasazi (A.D.900-1100)	Yes
LA80434	Prehistoric Structural	Anasazi (A.D.500-700) Anasazi (A.D.1000-1200)	Yes
R11-01	Historic/Modern Non-structural	Navajo (A.D.1970-1980)	No
R11-02	Prehistoric Non-structural	Anasazi (A.D.900-1100)	Need data
R11-03	Historic/Modern Structural	Navajo (A.D.1970's-2000's)	No
R11-04	Prehistoric Non-structural Historic/Modern Non-structural	Anasazi (A.D.900-1100) Navajo (A.D.1950-1970)	Need data
R11-06	Prehistoric Non-structural	Anasazi (A.D.900-1100)	Need data
R11-07	Historic Structural	Navajo (A.D.1950-1980)	No

R11-12	Prehistoric Non-structural	Anasazi (A.D. 900-1100)	Need data
R11-17	Prehistoric Structural Historic/Modern Structural	Anasazi (A.D. 1-1300) Navajo (A.D. 1950-1970)	Need data
R11-21	Historic Structural	Navajo (A.D. 1912-1965)	Yes
R11-23	Prehistoric Structural	Anasazi (A.D. 550-900)	Yes
R11-24 (contains Jishchaa' B11-02)	Prehistoric Structural Historic/Modern Structural	Anasazi (A.D. 900-1200) Navajo (A.D. 1930-1980)	Yes
R11-25	Prehistoric Structural	Anasazi (A.D. 500-900)	Yes
R11-26	Prehistoric Structural Historic/Modern Structural	Anasazi (A.D. 500-700) Navajo (A.D. 1940-present)	Yes
R11-28	Historic/Modern Structural	Navajo (A.D. 1960-present)	No

Reclamation requests concurrence and comments regarding our determinations of eligibility for properties identified during this project. Reclamation will consult with other NGWSP PA signatories about this project to solicit general comments while recognizing that official determinations of eligibility remain the prerogative of Navajo Nation. Per the terms of the NGWSP PA, Reclamation requests concurrence or comments within 30 days of receipt. In the absence of a response, concurrence with Reclamation's findings may be assumed after this period of time.

Your determination of concurrence and reason(s) may be noted in the area provided below. As realignments may be introduced to maximize the avoidance of sites officially determined potentially eligible or eligible for NRHP listing, Reclamation will consult with your office regarding the undertaking's effects on the identified resources at a later time. If you have general questions or comments, or wish to engage in further consultation regarding this undertaking, please contact Geoffrey Haymes at 970-385-6571 or ghaymes@usbr.gov or Lead Archaeologist Ernest Rheume at 970-385-6521 or erheume@usbr.gov.

Sincerely,

ED WARNER

Ed Warner
Area Manager

I Concur

with consultation meeting on this day. Some site
eligibilities have been changed. A new letter will be
forthcoming with changes

Samantha

8/30/16

~~Dr. Ora Marek-Martinez~~

Date

Navajo Nation Tribal Historic Preservation Officer

Comments:

bc: WCG-EWarner, WCG-KOzga, WCD-RWaldman, WCD-ERheaume, WCD-KBowen

WCD-GHaymes
ENV-3.00

OCT 11 2016

CERTIFIED – RETURN RECEIPT REQUESTED

Honorable Kurt Riley
Governor
Pueblo of Acoma
P.O. Box 309
Pueblo of Acoma, NM 87034

Official File Copy		
Date	Surname	Code
10/11/16	GH	WCG Haymes
10/6/16	EW	WCG Warner
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Project GU		
Control #		
Folder #		

20161011-001

Subject: Partial Results of National Historic Preservation Act (NHPA) Section 106 Consultation for *The Navajo-Gallup Water Supply Project (NGWSP), Class III Inventory and Ethnographic Summary for the San Juan Lateral, Volume I: Reaches 3-8, Hogback Diversion, and Shiprock Connection, and Volume II: Reaches 9-11, Navajo Nation, McKinley and San Juan Counties, New Mexico: Determinations of Site Eligibility.*

Dear Governor Riley:

The Bureau of Reclamation is providing notification of the results of past consultation with the Navajo Nation Tribal Historic Preservation Officer (THPO) and the NGWSP Programmatic Agreement (PA) Workgroup under the *Programmatic Agreement Among The Bureau of Reclamation, The Advisory Council on Historic Preservation, The New Mexico State Historic Preservation Officer, The Navajo Nation, The Bureau of Land Management, and the Bureau of Indian Affairs Regarding the Consideration and Management of Effects On Historic Properties Arising from Construction of the Navajo-Gallup Water Supply Project, New Mexico (NGWSP PA)*, an alternative to the implementing regulations of NHPA Section 106 at 36 C.F.R. Part 800. The tables below provide basic information and formal determinations of eligibility for historic properties previously identified along the Hogback Lateral and Reaches 3, 4, 5, 6, 7, 8, 9, 10, and 11 of the NGWSP San Juan Lateral, encompassing a total APE of 101.9 miles, or 4981 acres, entirely on Navajo Nation surface.

The two recording Class III inventories and associated studies, collected in PaleoWest Archaeology **Technical Reports No. 15-14 and No. 15-15**, resulted in the recording of 281 archaeological sites, 498 isolated occurrences (IOs), 61 in-use sites (IUSs), 29 Navajo Traditional Cultural Properties (TCPs), and 26 Jishchaa' locations. Requests for consultation and copies of the draft reports were sent to members of the PA Workgroup on April 21 and April 25, 2016. Properties and locations other than archaeological sites are reported or summarized in tables within the reports. Archaeological sites were discussed in greater detail. Archaeological sites, associated reach numbers, brief descriptions, and final determinations of eligibility for listing on the National Register of Historic Places (NRHP) appear in the 10 tables below. The determinations of eligibility given below are based on the recording archaeologists' recommendations, Reclamation's tentative determinations, responses received to Reclamation's written requests for information dated April 21 and April 25, 2016, comments received during PA Workgroup meetings, and consultation with the Navajo Nation THPO.

Reach 3 Sites

Site No.	Site Type	Site Description	NRHP Eligible?
NM-H-19-10	Modern Non-structural	Navajo (A.D. 1977-1989)	Not Eligible
NM-H-19-11	Prehistoric Non-structural	Anasazi (A.D. 925-1150)	Need Data
NM-H-19-12	Prehistoric/Modern Non-structural	Anasazi (A.D. 1030-1150) Navajo (A.D. 1975-1985)	Need Data
NM-H-19-13	Historic Non-structural	Anglo/Euro-American/Navajo (A.D. 1950-1975)	Not Eligible
NM-H-20-157	Modern Structural	Navajo (A.D. 1970-1980)	Not Eligible
NM-H-20-158 (Also TCP R3&SC-01)	Modern Structural	Navajo (A.D. 1964-1980)	Eligible
NM-H-20-159	Prehistoric Non-structural	Anasazi (A.D. 925-1300)	Need Data
NM-H-20-160	Prehistoric/Historic Non-structural	Anasazi (A.D. 1000-1175) Anglo/Euro-American (A.D. 1940-1966)	Need Data
NM-H-20-161	Historic Non-structural	Unknown Historic (A.D. 1950-1990)	Not Eligible
NM-H-20-162	Historic non-structural	Anglo/Euro American/Navajo (A.D. 1955-1966)	Not Eligible
NM-H-20-163	Prehistoric non-structural	Anasazi (A.D. 925-1300)	Need Data
NM-H-20-164	Historic Structural	Navajo (A.D. 1905-1930)	Eligible
NM-H-20-165	Historic Structural	Anglo/Euro-American (A.D. 1900-1930)	Eligible
NM-H-20-166 (LA8390)	Prehistoric Structural	Anasazi (A.D. 900-1200)	Eligible
NM-H-20-167 (LA8391)	Prehistoric Structural	Anasazi (A.D. 1000-1175)	Eligible
NM-H-20-168 (LA8392)	Prehistoric Structural	Anasazi (A.D. 1000-1175)	Eligible
NM-H-20-169 (LA125594) (NM-H-20-53) (Within TCP HD-01 Locus E)	Prehistoric/Historic Structural	Anasazi (A.D. 875-950) Navajo (A.D. 1800-1970)	Eligible
NM-H-21-189	Historic Structural	Navajo (A.D. 1960-1990)	Eligible
NM-H-21-218	Historic Non-structural	Navajo (A.D. 1950-1965)	Not Eligible
NM-H-21-219	Historic Non-structural	Navajo (A.D. 1950-1990)	Not Eligible
NM-H-21-220	Historic Structural	Navajo (A.D. 1930-1970)	Eligible
NM-H-21-221 (LA45406) (Also TCP R3&SC-02)	Historic Structural	Navajo (A.D. 1948-1960)	Eligible

NM-H-21-222 (LA45408) (Also the location of Burial R3&SC- B1)	Prehistoric/Historic Structural	Anasazi (A.D. 925-1300) Navajo (A.D. 1900-1990)	Eligible
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Reach 4 Sites

Site No.	Site Type	Site Description	NRHP Eligible?
NM-H-30-7 (LA68970)	Historic Structural	Navajo (A.D. 1930s-1985)	Eligible
NM-H-30-21	Historic Structural	Anglo/Euro-American (A.D. 1920s-1967)	Eligible
NM-H-30-25 (LA46203) (TCP R4-01)	Historic Structural	Navajo (A.D. 1880-1945)	Eligible
NM-H-30-26	Historic Non-structural	Navajo (A.D. 1960-1975)	Not Eligible
NM-H-30-27	Historic Structural	Navajo (A.D. 1920-1970)	Not Eligible
NM-H-30-28	Historic Structural	Navajo (A.D. 1930s-2002)	Not Eligible
NM-H-30-29	Historic Structural	Navajo (A.D. 1940-1970)	Not Eligible
NM-H-30-30	Historic Structural	Navajo (A.D. 1920-1970)	Not Eligible
NM-H-30-31	Historic Structural	Navajo (A.D. 1955-1975)	Not Eligible
NM-H-30-32	Unknown Structural	Unknown	Need Data
NM-H-30-33	Prehistoric Non- structural	Archaic (4500-1500 B.C.)	Need Data
NM-H-30-34	Historic Structural	Navajo (A.D. 1929-1970)	Not Eligible
NM-H-30-35	Historic Non-structural	Navajo (A.D. 1945-1965)	Not Eligible
NM-H-30-36	Historic Structural	Navajo (A.D. 1960-1975)	Not Eligible
NM-H-30-37	Historic Non-structural	Unknown Historic (A.D. 1945-1965)	Not Eligible
NM-H-30-38	Historic Structural	Anglo/Euro-American (A.D. 1967-1980s)	Not Eligible
NM-H-30-39	Prehistoric Non- structural	Archaic (6000-3300 B.C.)	Need Data
NM-H-30-40	Prehistoric Structural	Anasazi (A.D. 900-1100)	Need Data
NM-H-30-41	Historic Structural	Navajo (A.D. 1880-1960)	Eligible
NM-H-35-39	Historic Structural	Anglo/Euro-American (A.D. 1964-1964)	Not Eligible

Hogback Diversion Sites (revised determinations of eligibility in bold)

Site No.	Site Type	Site Description	NRHP Eligible?
NM-H-20-124 (DCA-1498)	Historic Structural	Navajo (A.D. 1920-1960)	Eligible
NM-H-20-206	Historic Structural	Navajo (A.D. 1945-1990)	Not Eligible
NM-H-20-207	Historic Structural	Navajo (A.D. 1960-present)	Not Eligible
NM-H-20-208	Historic Structural	Navajo (A.D. 1950-1965)	Eligible
NM-H-20-209	Prehistoric Non-structural	Anasazi (A.D. 900-1100)	Eligible
NM-H-20-210 (TCP HD-03)	Historic Structural	Navajo (A.D. 2000-2010)	Eligible
NM-H-20-211	Historic Structural	Navajo (A.D. 1912-Recent)	Need data
NM-H-20-212	Historic Non-structural	Navajo (A.D. 1955-1988)	Not Eligible
NM-H-20-213	Prehistoric Non-structural	Anasazi (A.D. 800-1100)	Eligible
NM-H-20-214	Historic Structural	Navajo (A.D. 1980-2000)	Not Eligible
NM-H-20-215	Prehistoric Structural	Anasazi (A.D. 700-1100)	Eligible

Reach 5 Sites (revised determinations of eligibility in bold)

Site No.	Site Type	Site Description	NRHP Eligible?
NM-H-35-31 (LA20038)	Prehistoric/Historic Structural	Anasazi (A.D. 700-1100) Navajo (A.D. 1925-Present)	Eligible
NM-H-35-32	Historic Structural	Navajo (A.D. 1880-1945)	Eligible
NM-H-35-33	Prehistoric/Historic Non-structural	Anasazi (A.D. 700-1100) Anglo/Euro-American (A.D. 1945-Present)	Eligible
NM-H-35-34	Prehistoric/Historic Non-structural	Anasazi (A.D. 700-1100) Anglo/Euro-American (A.D. 1945-Present)	Eligible
NM-H-35-35	Prehistoric Non-structural	Anasazi (A.D. 900-1100)	Eligible
NM-H-35-36	Prehistoric/Historic Non-structural	Anasazi (A.D. 700-1100) Anglo/Euro-American (A.D. 1945-Present)	Eligible
NM-H-35-37	Prehistoric/Historic Structural	Anasazi (A.D. 900-1100) Navajo (A.D. 1920-Present)	Eligible
NM-H-35-38	Historic Structural	Navajo (A.D. 1920-1945)	Eligible
NM-H-46-61 (LA145963)	Prehistoric Non-structural	Anasazi (A.D. 700-900) Anglo/Euro-American (A.D. 1945-Present)	Eligible
NM-H-46-63 (LA7322)	Prehistoric Structural	Anasazi (A.D. 900-1300) Anglo/Euro-American (A.D. 1940-1960)	Eligible

NM-H-46-101 (LA16026)	Prehistoric Non-structural	Anasazi (A.D. 700-1100)	Eligible
NM-H-46-102 (LA16029)	Prehistoric/Historic Structural	Anasazi (A.D. 500-700) Navajo (A.D. 1920-Present)	Eligible
NM-H-46-103 (LA7321)	Prehistoric Structural	Anasazi (A.D. 900-1100) Anglo/Euro-American (A.D. 1950-1980)	Eligible
NM-H-46-104	Prehistoric Structural	Anasazi (A.D. 500-900) Anglo/Euro-American (A.D. 1920-1960)	Eligible
NM-H-46-105	Prehistoric/Historic Structural	Anasazi (A.D. 700-1100) Navajo (A.D. 1920-1945)	Eligible
NM-H-46-106	Prehistoric/Historic Structural	Anasazi (A.D. 900-1100) Navajo (A.D. 1920-1945)	Eligible
NM-H-46-107	Prehistoric/Historic Structural	Anasazi (A.D. 700-1100) Navajo (A.D. 1920-1945)	Eligible
NM-H-46-108	Historic Non-structural	Anglo/Euro-American (A.D. ca. 1942-Present)	Not Eligible
NM-H-46-109	Prehistoric Non-structural	Anasazi (A.D. 700-1100)	Eligible
NM-H-46-110	Historic Structural	Anglo/Euro-American (A.D. 1846-Present)	Eligible
NM-H-46-111	Historic Non-structural	Anglo/Euro-American (A.D. 1926-May 31, 2003)	Not Eligible
Newby Expedition Camp	Prehistoric Non-structural/ Historic Structural	Anasazi (A.D. 500-1150) Navajo/Euro-American (A.D. 1800-1965)	Eligible

Reach 6 Sites (revised determinations of eligibility in bold)

Site No.	Site Type	Site Description	NRHP Eligible?
NM-H-46-84 (LA14898)	Historic Non-structural	Navajo (A.D. 1935-1945)	Not Eligible
NM-H-46-85 (LA36109)	Prehistoric Structural	Anasazi (A.D. 700-1300)	Eligible
NM-H-46-86 (LA36110)	Prehistoric/Historic Non-structural	Anasazi (A.D. 900-1100)	Need Data
NM-H-46-87 (LA7113)	Prehistoric/Historic Structural	Anasazi (A.D. 800-1100) Navajo (A.D. 1880-1980)	Eligible
NM-H-46-88 (LA7300)	Prehistoric/Historic Non-structural	Anasazi (A.D. 500-1300) Navajo (A.D. 1880-1930)	Need data
NM-H-46-89	Prehistoric/Historic Structural	Anasazi (A.D. 700-1300) Navajo (A.D. 1950-1980)	Eligible
NM-H-46-90	Historic Structural	Navajo (A.D. 1950-1980)	Need Data
NM-H-46-91	Historic Structural	Navajo (A.D. 1950-1980)	Need Data
NM-H-46-92	Historic Structural	Navajo (A.D. 1950-Present)	Need Data

NM-H-46-93	Historic Non-structural	Navajo (A.D. 1950-1965) Navajo (A.D. 2000-present)	Not Eligible
NM-H-46-94	Historic Non-structural	Navajo (A.D. 1930-1980)	Not Eligible
NM-H-46-95	Prehistoric Non-structural	Anasazi (A.D. 700-1100)	Need Data
NM-H-46-96	Prehistoric Non-structural	Anasazi (A.D. 700-1300)	Need data*
NM-H-46-97	Prehistoric Non-structural	Anasazi (A.D. 700-1300)	Eligible
NM-H-46-98	Prehistoric/Historic Non-structural	Anasazi (A.D. 700-1100) Navajo (1880-present)	Need data
NM-H-46-99	Prehistoric Non-structural	Anasazi (A.D. 900-1100)	Not Eligible

*inconsistent determinations given before – present determination as shown above.

Reach 7 Sites (revised determinations of eligibility in bold)

Site No.	Site Type	Site Description	NRHP Eligible?
NM-H-51-77 (LA3219; LA12735)	Prehistoric/Historic Non-structural	Anasazi (A.D. 700-1100) Anglo/Euro-American (A.D. 1945-1980)	Eligible
NM-H-51-56 (LA3219; LA12738)	Prehistoric Structural	Anasazi (A.D. 900-1100)	Eligible
NM-H-51-57 (LA3219; LA12739)	Prehistoric/Historic Structural	Anasazi (Unknown-Unknown) Navajo (Unknown-Unknown)	Not Eligible
NM-H-46-51 (LA3219)	Prehistoric Structural	Anasazi (A.D. 1050-1150) Anasazi (A.D. 1150-1250-1275)	Eligible
NM-H-46-49 (LA3219; LA3220)	Prehistoric Structural	Anasazi (A.D. 750-900)	Eligible
NM-H-51-20 (LA3219; LA81614)	Prehistoric Structural	Anasazi (A.D. 700-1100)	Eligible
NM-H-46-112	Prehistoric/Historic Structural	Anasazi (A.D. 700-1100) Navajo (A.D. 1940-1970)	Eligible
NM-H-46-113	Prehistoric Non-structural	Anasazi (A.D. 700-1200)	Eligible
NM-H-46-114	Prehistoric Structural	Anasazi (A.D. 900-1100)	Eligible
NM-H-51-78	Prehistoric Non-structural	Anasazi (750 A.D.-1250)	Need Data
NM-H-51-79	Prehistoric Non-structural	Anasazi (A.D. 700-900)	Eligible
NM-H-51-80	Historic Non-structural	Anglo/Euro-American (Unknown-before A.D. 1966)	Not Eligible
NM-H-51-81	Prehistoric Structural	Anasazi (A.D. 1000-1150)	Eligible

NM-H-51-82	Prehistoric Non-structural	Unknown (A.D. 800-1750)	Not Eligible
NM-H-51-83	Prehistoric/Historic Non-structural	Archaic (5500 BC-200) Navajo (A.D. 1950-1980)	Eligible
NM-H-51-84	Historic Structural	Anglo/Euro-American (A.D. 1912-1945)	Eligible
NM-H-51-85	Prehistoric Structural	Anasazi (A.D. 700-1100)	Eligible
NM-H-51-86	Prehistoric Non-structural	Anasazi (A.D. 900-1100)	Eligible
NM-H-51-87	Prehistoric Structural	Anasazi (A.D. 900-1100)	Eligible
NM-H-51-88	Historic Non-structural	Anglo/Euro-American (A.D. 1940s-1970s)	Not Eligible
NM-H-51-89	Prehistoric/Historic Non-structural	Anasazi (A.D. 900-1100) Anglo/Euro-American (A.D. 1930-1950)	Eligible
NM-H-51-90	Historic Structural	Navajo (A.D. 1970?-1990?) Navajo (ca. A.D. 1990-present)	Not Eligible
NM-H-51-91	Prehistoric/Historic Non-structural	Archaic (1800 BC-200) Navajo (A.D. 1920s-1980s)	Eligible
NM-H-51-92	Prehistoric/Historic Structural	Unknown (A.D. 1945-1980)	Need Data
NM-H-51-93	Prehistoric Non-structural	Anasazi (A.D. 650-800)	Eligible
NM-H-51-94	Prehistoric/Historic Non-structural	Anasazi (A.D. 400-900) Navajo (A.D. 1945-2013)	Eligible

Reach 8 Sites (revised determinations of eligibility in bold)

Site No.	Site Type	Site Description	NRHP Eligible?
NM-H-62-150 (LA12564)	Prehistoric Structural	Anasazi (A.D. 900-1100)	Not Eligible
NM-H-51-54 (LA145960)	Prehistoric Structural	Anasazi (A.D. 500-900)	Eligible
NM-H-62-107 (LA145990)	Prehistoric Non-structural	Anasazi (A.D. 900 -1300)	Eligible
NM-H-62-11 (LA145991)	Prehistoric Structural	Anasazi (A.D. 900-1100)	Eligible
NM-H-62-9 (LA32923)	Prehistoric Non-structural	Anasazi (A.D. 900-1100)	Eligible
NM-H-62-8 (LA32924)	Prehistoric Structural	Anasazi (A.D. 900-1100)	Eligible
NM-H-51-95	Historic Non-structural	Navajo (A.D. 1930-1970)	Not Eligible
NM-H-51-96	Prehistoric Structural	Anasazi (A.D. 900-1200)	Eligible
NM-H-62-151	Prehistoric/Historic Structural	Anasazi (A.D. 900-1200) Navajo (A.D. 1920-1950s)	Eligible
NM-H-62-152	Prehistoric Structural	Anasazi (A.D. 900-1200)	Eligible
NM-H-62-153	Prehistoric Structural	Anasazi (A.D. 975-1175)	Eligible
NM-H-62-154	Prehistoric Structural	Anasazi (A.D. 900-1100)	Eligible

NM-H-62-155	Prehistoric/Historic Non-structural	Anasazi (A.D. 900-1175) Navajo (A.D. 1950's-1980's)	Eligible
NM-H-62-156	Prehistoric/Historic Non-structural	Anasazi (A.D. 900-1100) Navajo (A.D. 1692-1753)	Eligible
NM-H-62-157	Prehistoric Non-structural	Anasazi (A.D. 775-1100)	Eligible
NM-H-62-158	Prehistoric Non-structural	Anasazi (A.D. 900-1175)	Eligible
NM-H-62-159	Prehistoric Non-structural	Anasazi (A.D. 900-1300)	Need Data
NM-H-62-160	Prehistoric Non-structural	Anasazi (A.D. 500-1200)	Eligible
NM-H-62-161	Prehistoric Structural	Anasazi (A.D. 1000-1300)	Eligible
NM-H-62-162	Prehistoric Structural	Anasazi (A.D. 900-1300)	Eligible
NM-H-62-163	Prehistoric Non-structural	Anasazi (A.D. 900-1200)	Need data
NM-H-62-164	Prehistoric Structural	Anasazi (A.D. 900-1300)	Need data
NM-H-62-165	Prehistoric Non-structural	Anasazi (A.D. 750-1175)	Eligible
NM-H-62-166	Prehistoric Non-structural	Anasazi (A.D. 900-1100)	Not Eligible
NM-H-62-167	Prehistoric Non-structural	Anasazi (A.D. 700-1100)	Need Data
NM-H-62-168	Prehistoric Non-structural	Anasazi (A.D. 900-1250)	Eligible
NM-H-62-169	Prehistoric Non-structural	Archaic (B.C. 1800-A.D. 200)	Eligible
NM-H-62-170	Prehistoric Non-structural	Anasazi (A.D. 1-1600)	Need data
NM-H-62-171	Prehistoric Non-structural	Anasazi (A.D. 700-1300)	Need data
NM-H-62-172	Prehistoric Non-structural	Anasazi (A.D. 900-1200)	Need data
NM-H-62-173	Prehistoric Non-structural	Anasazi (A.D. 900-1100)	Eligible
NM-H-62-174	Prehistoric/Historic Structural	Anasazi (A.D. 900-1300)	Eligible

Reach 9 Sites (revised determinations of eligibility in bold)

Site No.	Site Type	Site Description	NRHP Eligible?
NM-H-14-99 (LA2505)	Prehistoric Structural	Anasazi (A.D. 900-1200)	Yes
NM-H-62-193 (LA32936)	Prehistoric Structural	Anasazi (A.D. 775-950)	Yes
NM-Q-3-114 (LA32939)	Prehistoric Structural	Anasazi (A.D. 500- A.D. 1300)	Yes
NM-Q-3-115 (LA32941)	Historic Structural	Unknown historic (A.D. 1950-1980)	No
NM-Q-3-121 (LA5203)	Prehistoric Structural	Anasazi (A.D. 900-1300)	Need data

NM-Q-3-122 (LA5204)	Prehistoric Structural	Anasazi (A.D. 700-1100)	Need data
NM-Q-14-100 (LA71884)	Prehistoric Non-structural	Anasazi (A.D. 500-1300)	Need data
NM-Q-14-101 (LA71888)	Prehistoric Non-structural	Anasazi (A.D. 800-1000)	Need data
NM-Q-3-123 (LA80404)	Prehistoric Non-structural	Anasazi (A.D. 900-1200)	No
NM-Q-14-102 (LA80406)	Prehistoric Structural	Anasazi (A.D. 500-700) Anasazi (A.D. 900-1300)	Yes
NM-Q-14-103 (LA80407)	Prehistoric Non-structural	Anasazi (A.D. 500-1100)	Yes
NM-Q-14-104 (LA80408)	Prehistoric/Historic Structural	Anasazi (A.D. 1000-1200) Navajo (A.D. 1960-1970)	Yes
NM-Q-14-105 (LA80409) (Connected with TCP R9-07)	Historic Structural	Navajo (A.D. 1950-1980)	Need data
NM-Q-14-106 (LA80410)	Prehistoric/Historic Non-structural	Anasazi (A.D. 700-900) Navajo (A.D. 1930-1950)	Yes
NM-Q-14-107 (LA80412)	Prehistoric Non-structural	Anasazi (A.D. 500-1100)	No
NM-Q-14-108 (LA80413)	Prehistoric/Historic Non-structural	Anasazi (A.D. 500-1100) Navajo (A.D. 1692-1868)	Need data
NM-Q-14-109 (LA80414)	Prehistoric Non-structural	Anasazi (A.D. 700-1000)	No
NM-Q-14-110 (LA80415)	Prehistoric Non-structural	Anasazi (A.D. 900-1100)	Yes
NM-Q-14-111 (LA80951)	Prehistoric Non-structural	Anasazi (A.D. 900-1100)	Yes
NM-H-62-101 (LA32935)	Prehistoric Structural	Anasazi (A.D. 500-1100)	Yes
NM-H-62-102 (LA145987)	Prehistoric Structural	Anasazi (A.D. 700-1100)	Yes
NM-H-62-192 NM-H-62-104 (LA32931) (TCP R9-03 within site boundary)	Prehistoric/Historic Structural	Anasazi (A.D. 500-900) Navajo (A.D. 1900-1960)	Yes
NM-H-62-190 NM-H-62-105 (LA145988) (Crossed by TCP R9-01)	Prehistoric/Historic Structural	Anasazi (A.D. 900-1200) Navajo (A.D. 1937-1980)	Yes
NM-H-62-191 NM-H-62-106 (LA145989)	Prehistoric Structural	Anasazi (A.D. 900-1100)	Need data

NM-H-62-189 NM-H-62-99 (LA145985)	Prehistoric Structural	Anasazi (A.D. 500-900)	Yes
NM-Q-3-120 NM-Q-3-66 (LA32949)	Prehistoric/Historic Structural	Anasazi (A.D. 800-1100) Navajo (A.D. 1960-1980)	Yes
NM-Q-3-119 NM-Q-3-68 (LA32948)	Historic Non-structural	Navajo and Anglo/EuroAmerican (A.D. 1930-present)	Eligible
NM-Q-3-7 (LA74503)	Prehistoric Structural	Anasazi (A.D. 500-900)	Yes
NM-Q-3-112 NM-Q-3-70 (LA145982)	Historic Structural	Navajo (A.D. 1880-1920)	Yes
NM-Q-3-118 NM-Q-3-71 (LA32944)	Prehistoric Structural	Anasazi (A.D. 700-1100)	Yes
NM-Q-3-117 NM-Q-3-72 (LA32943)	Prehistoric/Historic Structural	Anasazi (A.D. 900-1200) Navajo (A.D. 1692-1753)	Yes
NM-Q-3-116 NM-Q-3-73 (LA32942)	Prehistoric Structural	Anasazi (A.D. 500-700)	Yes
NM-Q-3-113 NM-Q-3-76 (LA145984)	Prehistoric Structural	Anasazi (A.D. 500-900)	Yes
NM-H-62-194 (R9-02)	Historic Non-structural	Navajo (A.D. 1945-1960)	No
NM-H-62-195 (R9-04) (Crossed by TCP R9-01)	Prehistoric/Historic Structural	Anasazi (A.D. 900-1300) Navajo (A.D. 1960-1980)	Yes
NM-H-62-196 (R9-05)	Prehistoric Structural	Anasazi (A.D. 700-1100)	Yes
NM-H-62-197 (R9-07) (Also includes IUS R9-08)	Prehistoric/Historic Structural	Anasazi (A.D. 700-1100) Navajo (A.D. 1980-present)	Yes
NM-H-62-198 (R9-09)	Prehistoric Non-structural	Anasazi (A.D. 875-975)	No
NM-H-62-199 (R9-10) (Crossed by TCP R9-01)	Historic Structural	Navajo (A.D. 1950s-1960s)	No
NM-H-62-200 (R9-11)	Prehistoric Structural	Anasazi (A.D. 750-1000)	Yes
NM-H-62-201 (R9-13)	Prehistoric Non-structural	Anasazi (A.D. 550-1175)	Yes
NM-H-62-202 (R9-14)	Prehistoric/Historic Structural	Anasazi (A.D. 500-700) Navajo (A.D. 1880-1960)	Yes
NM-H-62-203 (R9-15)	Prehistoric Structural	Anasazi (A.D. 1050-1230)	Yes

NM-H-62-204 (R9-16)	Prehistoric Non-structural	Anasazi (A.D. 975-1175)	Yes
NM-H-62-205 (R9-17)	Prehistoric Non-structural	Anasazi (A.D. 700-900)	Need data
NM-H-62-206 (R9-19)	Prehistoric Non-structural	Anasazi (A.D. 750-900)	No
NM-H-62-207 (R9-20) (Contains B9-03)	Prehistoric/Historic Structural	Anasazi (A.D. 900-1100) Navajo (A.D. 1912-present)	Yes
NM-H-62-208 (R9-21)	Prehistoric Non-structural	Anasazi (A.D. 900-1100)	Yes
NM-H-62-209 (R9-23) (Crossed by TCP R9-01)	Prehistoric Non-structural	Anasazi (A.D. 900-1100)	Yes
NM-Q-3-124 (R9-24)	Prehistoric Structural	Unknown prehistoric	Yes
NM-H-62-210 (R9-25)	Prehistoric Non-structural	Anasazi (A.D. 775-1175)	Yes
NM-Q-3-125 (R9-26)	Prehistoric Structural	Anasazi (A.D. 500-900)	Yes
NM-H-62-211 (R9-27)	Prehistoric Structural	Anasazi (A.D. 700-1100)	Yes
NM-Q-3-126 (R9-29)	Prehistoric Non-structural	Anasazi (A.D. 500-900)	Yes
NM-Q-3-127 (R9-30)	Prehistoric Structural	Anasazi (A.D. 700-1100)	Need data
NM-Q-3-128 (R9-31)	Prehistoric Non-structural	Anasazi (A.D. 500-1100)	Yes
NM-Q-3-129 (R9-32)	Prehistoric Non-structural	Anasazi (A.D. 500-700)	Need data
NM-Q-3-130 (R9-33)	Prehistoric Non-structural	Anasazi (A.D. 875-975)	Need data
NM-Q-3-131 (R9-34)	Prehistoric Non-structural	Anasazi (A.D. 550-900)	Yes
NM-Q-3-132 (R9-35)	Prehistoric/Historic Structural	Anasazi (A.D. 700-900) Navajo (A.D. 1930s-1970)	Yes
NM-Q-3-134 (R9-38)	Prehistoric Structural	Anasazi (A.D. 500-700)	Yes
NM-Q-3-135 (R9-40)	Prehistoric Structural	Anasazi (A.D. 500-700)	Yes
NM-Q-3-136 (R9-41)	Prehistoric Non-structural	Anasazi (A.D. 1050-1300)	Need data
NM-Q-3-137 (R9-42)	Prehistoric Non-structural	Anasazi (A.D. 900-1200)	Need data
NM-Q-3-138 (R9-44)	Historic Non-structural	Navajo (A.D. 1965-present)	No
NM-Q-3-139 (R9-46)	Prehistoric Non-structural	Anasazi (A.D. 500-700)	Need data
NM-Q-3-140 (R9-47)	Prehistoric Non-structural	Anasazi (A.D. 550-900)	Yes
NM-Q-3-141 (R9-51)	Prehistoric Non-structural	Unknown prehistoric	Yes

NM-Q-3-142 (R9-52)	Prehistoric Structural	Anasazi (A.D. 900-1300)	Yes
NM-Q-3-143 (R9-54)	Prehistoric Non-structural	Anasazi (A.D. 900-1300)	No
NM-Q-3-144 (R9-55)	Prehistoric Non-structural	Anasazi (A.D. 750-900)	Need data
NM-Q-3-145 (R9-57)	Unknown Non-structural	Unknown prehistoric	Yes
NM-Q-3-146 (R9-58)	Prehistoric/Historic Structural	Anasazi (A.D. 900-1300) Navajo (A.D. 1880-1940)	Yes
NM-Q-3-147 (R9-60)	Prehistoric Structural	Anasazi (A.D. 500-1300)	Need data
NM-Q-14-112 (R9-61)	Prehistoric Structural	Anasazi (A.D. 900-1200)	Need data
NM-Q-3-148 (R9-62)	Prehistoric Structural	Anasazi (A.D. 500-700)	Yes
NM-Q-14-113 (R9-65)	Prehistoric Structural	Anasazi (A.D. 500-1300)	Yes
NM-Q-3-149 (R9-66)	Prehistoric/Historic Non-structural	Anasazi (A.D. 500-1300) Navajo (A.D. 1600-present)	Yes
NM-Q-3-150 (R9-67)	Prehistoric Non-structural	Anasazi (A.D. 550-900)	Yes
NM-H-62-212 (R9-69) (Crossed by TCP R9-01)	Prehistoric Structural	Anasazi (A.D. 900-1100)	Yes
NM-Q-14-114 (R9-71)	Prehistoric Structural	Unknown prehistoric (B.C. 8000-A.D. 1540)	Need data
NM-H-62-213 (R9-73)	Prehistoric Structural	Anasazi (A.D. 900-1100)	Yes
NM-H-62-214 (R9-75) (Crossed by TCP R9-01)	Prehistoric Non-structural	Anasazi (A.D. 750-900)	Yes

Reach 10 Sites

Site No.	Site Type	Site Description	NRHP Eligible?
NM-Q-14-115 (LA11610)	Prehistoric Structural	Anasazi (A.D.500-700) Anasazi (A.D.900-1100)	Yes
NM-Q-14-116 (LA2033)	Prehistoric Non-structural	Anasazi (A.D.900-1100)	Need data
NM-Q-14-117 (LA2506)	Prehistoric Structural	Anasazi (A.D.500-1100) Navajo (A.D.1950-1970)	Yes
NM-Q-14-118 (LA2507)	Prehistoric/Historic Structural	Anasazi (A.D.600-850) Navajo (A.D.1900-1980's)	Yes
NM-Q-14-119 (LA2508)	Prehistoric Structural	Anasazi (A.D.550-1150)	Yes
NM-Q-14-120 (LA6444)	Prehistoric/Historic Structural	Anasazi (A.D.500-1100) Navajo (A.D.1945-Present)	Yes
NM-Q-14-121 (LA80416)	Prehistoric/Historic Structural	Anasazi (A.D.500-1100) Navajo (A.D.1945-1995)	Yes

NM-Q-14-122 (LA80422)	Prehistoric/Historic Structural	Anasazi (A.D.500-700) Navajo (A.D.1900- Present)	Yes
NM-Q-14-123 (LA80424)	Prehistoric Structural	Anasazi (A.D.500-900)	Yes
NM-Q-14-124 (LA80425)	Prehistoric Structural	Anasazi (A.D.550-1150) Navajo (A.D.1960's- 1980's)	Yes
NM-Q-14-125 (LA80430)	Prehistoric/Historic Structural	Anasazi (A.D.500-1100) Navajo (A.D.1945-1950)	Yes
NM-Q-14-126 (LA80432)	Prehistoric Non- structural	Anasazi (A.D.900-1100)	Need data
NM-Q-14-127 (R10-01)	Prehistoric/Historic Structural	Anasazi (A.D.900-1100) Navajo (A.D.1900-1960's)	Yes
NM-Q-14-128 (R10-03)	Prehistoric Non- structural	Anasazi (A.D.900-1200)	Need data
NM-Q-14-129 (R10-05)	Prehistoric Structural	Anasazi (A.D.900-1100)	Yes
NM-Q-14-130 (R10-11)	Prehistoric/Historic Structural	Anasazi (A.D.500-700) Anasazi (A.D.900-1300)	Yes
NM-Q-14-131 (R10-19)	Historic Structural	Navajo (A.D.1950's- 1970's)	Yes
NM-Q-14-132 (R10-21)	Prehistoric Structural	Anasazi (A.D.550-900)	Yes
NM-Q-14-133 (R10-23)	Prehistoric Structural	Anasazi (A.D.550-900)	Yes
NM-Q-14-134 (R10-25)	Prehistoric/Historic Structural	Anasazi (A.D.700-900) Navajo (A.D.1990-present)	Yes
NM-Q-14-135 (R10-27)	Prehistoric/Historic Structural	Anasazi (A.D.550-950) Navajo (A.D.1880-1915)	Yes
NM-Q-14-136 (R10-29)	Prehistoric/Historic Structural	Anasazi (A.D.550-1150) Navajo (Unknown historic- Present)	Yes
NM-Q-14-137 (R10-31)	Prehistoric Non- structural	Anasazi (A.D.550-900)	Yes
NM-Q-14-138 (R10-33)	Prehistoric Non- structural	Anasazi (A.D.900-1100)	Yes
NM-Q-14-139 (R10-35)	Prehistoric Structural	Anasazi (A.D.1000-1200)	Yes
NM-Q-14-140 (R10-37)	Prehistoric Non- structural	Anasazi (A.D.700-1100)	Need data
NM-Q-14-141 (R10-39)	Prehistoric/Historic Structural	Anasazi (A.D.500-1100) Navajo (A.D.1912-1960)	Yes
NM-Q-14-142 (R10-49)	Prehistoric Non- structural	Anasazi (A.D.500-900)	Need data
NM-Q-14-143 (R10-57)	Prehistoric Structural	Anasazi (A.D.500-1100)	Yes
NM-Q-14-144 (R10-61)	Prehistoric Structural	Anasazi (A.D.700-900)	Yes
NM-Q-14-115 (LA11610)	Prehistoric Structural	Anasazi (A.D.500-700) Anasazi (A.D.900-1100)	Yes
NM-Q-14-116 (LA2033)	Prehistoric Non- structural	Anasazi (A.D.900-1100)	Need data
NM-Q-14-117 (LA2506)	Prehistoric Structural	Anasazi (A.D.500-1100) Navajo (A.D.1950-1970)	Yes

NM-Q-14-118 (LA2507)	Prehistoric/Historic Structural	Anasazi (A.D.600-850) Navajo (A.D.1900-1980's)	Yes
NM-Q-14-119 (LA2508)	Prehistoric Structural	Anasazi (A.D.550-1150)	Yes
NM-Q-14-120 (LA6444)	Prehistoric/Historic Structural	Anasazi (A.D.500-1100) Navajo (A.D.1945- Present)	Yes
NM-Q-14-121 (LA80416)	Prehistoric/Historic Structural	Anasazi (A.D.500-1100) Navajo (A.D.1945-1995)	Yes
NM-Q-14-122 (LA80422)	Prehistoric/Historic Structural	Anasazi (A.D.500-700) Navajo (A.D.1900- Present)	Yes
NM-Q-14-123 (LA80424)	Prehistoric Structural	Anasazi (A.D.500-900)	Yes
NM-Q-14-124 (LA80425)	Prehistoric Structural	Anasazi (A.D.550-1150) Navajo (A.D.1960's-1980's)	Yes
NM-Q-14-125 (LA80430)	Prehistoric/Historic Structural	Anasazi (A.D.500-1100) Navajo (A.D.1945-1950)	Yes
NM-Q-14-126 (LA80432)	Prehistoric Non- structural	Anasazi (A.D.900-1100)	Need data
NM-Q-14-127 (R10-01)	Prehistoric/Historic Structural	Anasazi (A.D.900-1100) Navajo (A.D.1900-1960's)	Yes
NM-Q-14-128 (R10-03)	Prehistoric Non- structural	Anasazi (A.D.900-1200)	Need data
NM-Q-14-129 (R10-05)	Prehistoric Structural	Anasazi (A.D.900-1100)	Yes
NM-Q-14-130 (R10-11)	Prehistoric/Historic Structural	Anasazi (A.D.500-700) Anasazi (A.D.900-1300)	Yes
NM-Q-14-131 (R10-19)	Historic Structural	Navajo (A.D.1950's-1970's)	Yes
NM-Q-14-132 (R10-21)	Prehistoric Structural	Anasazi (A.D.550-900)	Yes
NM-Q-14-133 (R10-23)	Prehistoric Structural	Anasazi (A.D.550-900)	Yes
NM-Q-14-134 (R10-25)	Prehistoric/Historic Structural	Anasazi (A.D.700-900) Navajo (A.D.1990-present)	Yes
NM-Q-14-135 (R10-27)	Prehistoric/Historic Structural	Anasazi (A.D.550-950) Navajo (A.D.1880-1915)	Yes
NM-Q-14-136 (R10-29)	Prehistoric/Historic Structural	Anasazi (A.D.550-1150) Navajo (Unknown historic- Present)	Yes
NM-Q-14-137 (R10-31)	Prehistoric Non- structural	Anasazi (A.D.550-900)	Yes
NM-Q-14-138 (R10-33)	Prehistoric Non- structural	Anasazi (A.D.900-1100)	Yes
NM-Q-14-139 (R10-35)	Prehistoric Structural	Anasazi (A.D.1000-1200)	Yes
NM-Q-14-140 (R10-37)	Prehistoric Non- structural	Anasazi (A.D.700-1100)	Need data
NM-Q-14-141 (R10-39)	Prehistoric/Historic Structural	Anasazi (A.D.500-1100) Navajo (A.D.1912-1960)	Yes
NM-Q-14-142 (R10-49)	Prehistoric Non- structural	Anasazi (A.D.500-900)	Need data

NM-Q-14-143 (R10-57)	Prehistoric Structural	Anasazi (A.D.500-1100)	Yes
NM-Q-14-144 (R10-61)	Prehistoric Structural	Anasazi (A.D.700-900)	Yes

Reach 11 Sites

Site No.	Site Type	Site Description	NRHP Eligible?
NM-Q-19-129 (LA6448)	Prehistoric Non-structural	Anasazi (A.D.1-500)	Yes
NM-Q-19-130 (LA80433)	Prehistoric Structural	Anasazi (A.D.900-1100)	Yes
NM-Q-18-362 (LA80434)	Prehistoric Structural	Anasazi (A.D.500-700) Anasazi (A.D.1000-1200)	Yes
NM-Q-18-363 (R11-01)	Historic/Modern Non-structural	Navajo (A.D.1970-1980)	No
NM-Q-14-145 (R11-02)	Prehistoric Non-structural	Anasazi (A.D.900-1100)	Need data
NM-Q-18-364 (R11-03)	Historic/Modern Structural	Navajo (A.D.1970's-2000's)	No
NM-Q-14-146 (R11-04)	Prehistoric Non-structural Historic/Modern Non-structural	Anasazi (A.D.900-1100) Navajo (A.D.1950-1970)	Need data
NM-Q-19-131 (R11-06)	Prehistoric Non-structural	Anasazi (A.D.900-1100)	Need data
NM-Q-18-365 (R11-07)	Historic Structural	Navajo (A.D.1950-1980)	No
NM-Q-19-132 (R11-12)	Prehistoric Non-structural	Anasazi (A.D.900-1100)	Need data
NM-Q-18-366 (R11-17)	Prehistoric Structural Historic/Modern Structural	Anasazi (A.D.1-1300) Navajo (A.D.1950-1970)	Need data
NM-Q-18-367 (R11-21)	Historic Structural	Navajo (A.D.1912-1965)	Yes
NM-Q-18-368 (R11-23)	Prehistoric Structural	Anasazi (A.D.550-900)	Yes
NM-Q-18-369 (R11-24) (contains Jishchaa' B11-02)	Prehistoric Structural Historic/Modern Structural	Anasazi (A.D.900-1200) Navajo (A.D.1930-1980)	Yes
NM-Q-18-370 (R11-25)	Prehistoric Structural	Anasazi (A.D.500-900)	Yes
NM-Q-18-371 (R11-26)	Prehistoric Structural Historic/Modern Structural	Anasazi (A.D.500-700) Navajo (A.D.1940-present)	Yes
NM-Q-18-372 (R11-28)	Historic/Modern Structural	Navajo (A.D.1960-present)	No

Following finalization of minor revisions to the Reach 3 through 11 alignments and selection of locations for the Hogback Diversion and associated water treatment plant(s), including identification and

consultation on the eligibilities of any properties discovered during Class III inventories for additions and realignments, Reclamation will consult again with the Navajo Nation THPO and the NGWSP PA Workgroup on determinations of effect to individual properties and on appropriate mitigations. This future consultation is expected to center around, but not necessarily be limited to, a forthcoming draft sampling strategy and treatment plan for the NGWSP San Juan Lateral.

While the final pipeline alignment is necessary to identify historic properties directly affected by construction activities along Reaches 3 through 11, it may be possible to identify significant indirect impacts and mitigation actions now, or to formulate general recommended treatments that would be appropriate for common site types. Reclamation, therefore, invites PA Workgroup members to share any preliminary recommendations or guidance regarding the resolution of adverse effects to cultural resources along the San Juan Lateral prior to our formal request for consultation on effect and mitigation. To facilitate preliminary analysis, a draft list of sites directly affected by construction along Reaches 9 through 11, subject to change with proposed realignments, is attached for reference and review. If you have general questions or comments, or wish to engage in further consultation regarding this undertaking, please contact Geoffrey Haymes at 970-385-6571 or ghaymes@usbr.gov, Jimmie McKenzie at 970-385-6565 or jmckenzie@usbr.gov, or Lead Archaeologist Ernest Rheume at 970-385-6521 or erheume@usbr.gov.

Sincerely,

ED WARNER

Ed Warner
Area Manager

Enclosure

cc: Mr. Damian Garcia, Director
Director
Historic Preservation Office
Pueblo of Acoma
P.O. Box 309
Pueblo of Acoma, NM 87034

bc: WCG-EWarner, WCG-KOzga, WCD-ERheume, WCD-KBowen,
WCD-JMcKenzie

WBR:ghaymes:plogan:10-4-2016:970-385-6571

T:\ADM\AAA-Typing assign\haymes\03OCT2016_NGWSP_R3_11 site Es PAWG notification.docx

Identical Letters sent to:

ACOMA

Honorable Kurt Riley
Governor
Pueblo of Acoma
P.O. Box 309
Pueblo of Acoma, NM 87034

cc: Mr. Damian Garcia, Director
Director
Historic Preservation Office
Pueblo of Acoma
P.O. Box 309
Pueblo of Acoma, NM 87034

BUREAU OF INDIAN AFFAIRS

Ms. Pearl Chamberlin
Bureau of Indian Affairs
Navajo Regional Office
PO Box 1060
Gallup, NM 87301

BUREAU OF LAND MANAGEMENT

Mr. Jim Copeland, Senior Archaeologist
Farmington Field Office
Bureau of Land Management
6251 College Boulevard, Suite A
Farmington, NM 87402

HOPi TRIBE

Honorable Herman Honanie
Chairman
Hopi Tribe
P.O. Box 123
Kykotsmovi, AZ 86039

cc: Mr. Leigh Kuwanwisiwma
Director
Hopi Cultural Preservation Office
P.O. Box 123
Kykotsmovi, AZ 86039

HUALAPAI TRIBE

Dr. Damon R. Clarke
Chairman
Hualapai Tribe
P.O. Box 179
Peach Springs, AZ 86434

cc: Ms. Dawn Hubbs
Tribal Historic Preservation Officer
Department of Cultural Resources
P.O. Box 310
Peach Springs, AZ 86434

JEMEZ PUEBLO

Honorable David R. Yepa
Governor
Pueblo of Jemez
P.O. Box 100
Jemez Pueblo, NM 87024

cc: Mr. Christopher Toya
Tribal Historic Preservation Officer
Resource Protection Department
Pueblo of Jemez
P.O. Box 100
Jemez Pueblo, NM 87024

JICARILLA APACHE TRIBE

Honorable Wainwright Velarde
President
Jicarilla Apache Nation
P.O. Box 507
Dulce, NM 87528

cc: Dr. Jeffrey Blythe
Tribal Historic Preservation Officer
Office of Cultural Affairs
Jicarilla Apache Nation
P.O. Box 1367
Dulce, NM 87528

NAVAJO NATION

Honorable Russell Begaye
President
Navajo Nation
P.O. Box 7440
Window Rock, AZ 86515

cc: Ms. Tamara Billie
Acting THPO
Navajo Nation Heritage & Historic Preservation Department
P.O. Box 4950
Window Rock, AZ 86515

NEW MEXICO SHPO

Dr. Jeff Pappas, SHPO
New Mexico Historic Preservation Division
Department of Cultural Affairs
Bataan Memorial Building
407 Galisteo Street, Suite 236
Santa Fe, NM 87501

OHKAY OWINGEH PUEBLO

Honorable Earl Salazar
Governor
Ohkay Owingeh
P.O. Box 1099
San Juan Pueblo, NM 87566

cc: Mr. Anthony Moquino
Councilman
Ohkay Owingeh
11817 Phoenix Ave. NE
Albuquerque, NM 87112

cc: John Cruz
Tribal Historic Preservation Officer
P.O. Box 1532
San Juan, NM 87566

PUEBLO OF POJOAQUE

Honorable Joseph Talachy
Governor
Pueblo of Pojoaque
78 Cities of Gold Road
Santa Fe, NM 87506

cc: Mr. Bruce Bernstein
Tribal Historic Preservation Officer
Pueblo of Pojoaque
78 Cities of Gold Road
Santa Fe, NM 87506

PUEBLO OF SANTA ANA

Honorable Myron Armijo
Governor
Pueblo of Santa Ana
2 Dove Road
Santa Ana Pueblo, NM 87004

cc: Dr. Phillip H. Shelley
Tribal Historic Preservation Officer
Tribal Historic Preservation Office
Pueblo of Santa Ana
2 Dove Road
Santa Ana Pueblo, NM 87004

SANTA CLARA PUEBLO

Honorable J. Michael Chavarria
Governor
Pueblo of Santa Clara
P.O. Box 580
Espanola, NM 87532

cc: Mr. Ben Chavarria

NAGPRA Coordinator
Land Claims Office
Pueblo of Santa Clara
P.O. Box 580
Española, NM 87532

SOUTHERN UTE INDIAN TRIBE

Honorable Clement Frost
Chairman
Southern Ute Tribe
P.O. Box 737
Ignacio, CO 81137

cc: Mr. Alden B. Naranjo
NAGPRA Coordinator
Southern Ute Tribe
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Ignacio, CO 81137

cc: Ms. Cassandra Naranjo
NAGPRA Coordinator
Southern Ute Tribe
PO Box 737
Ignacio, CO 81137

NEW MEXICO STATE LAND OFFICE

Mr. David Eck, Archaeologist
New Mexico State Land Office
P.O. Box 1148
Santa Fe, NM 87501

UTE MOUNTAIN UTE TRIBE

Honorable Manuel Heart
Chairman
Ute Mountain Ute Tribe
P.O. Box JJ
Towaoc, CO 81334

cc: Mr. Terry Knight
Tribal Historic Preservation Officer
Tribal Historic Preservation Office
Ute Mountain Ute Tribe
P.O. Box 468
Towaoc, CO 81334

ZIA PUEBLO

Honorable Jerome Lucero
Governor
Pueblo of Zia
135 Capitol Square Drive
Zia Pueblo, NM 87053

cc: Genevieve McGeisey
NAGPRA Representative
Pueblo of Zia
135 Capitol Square Drive
Zia Pueblo, NM 87053

ZUNI PUEBLO

Mr. Kurt Dongoske, THPO
Zuni Heritage and Historic Preservation Office
Zuni Pueblo
P.O. Box 1149
Zuni, NM 87327

Geoffrey Haymes
03 October 2016
Bureau of Reclamation

The following table provides a list of sites recorded by PaleoWest during Class III inventories for the NGWSP Reaches 9 through 11 that will be subject to direct impacts during construction, assuming use of the current proposed alignment and right-of-way (ROW). In addition, it demonstrates which features or feature-like components within affected sites, if any, would be directly impacted by construction.

The construction ROW has already undergone substantial changes from its original shape to minimize the number of sites potentially eligible for National Register of Historic Places (NRHP) listing that will be directly impacted and to minimize the impacts to important features within the affected sites. Potential effects to cultural resources were considered in tandem with engineering issues and restrictions to produce the current proposed construction ROW. The list below, then, is thought to represent the minimum number of sites and features that could practically be subjected to direct impacts without major reroutes of the Navajo-Gallup Water Supply Project (NGWSP) alignment and ROW, requiring new Class III inventory and possibly other identification efforts. Given the site density of the general area, such realignments are generally thought to exchange impacts to known sites for impacts to new sites not yet recorded, rather than provide the practical means to avoid important cultural resources altogether. However, short reroutes are being planned for the avoidance of certain exceptional properties. As a consequence, the list provided below is subject to change.

Please refer to the site plan maps and site descriptions included in PaleoWest's Technical Report No. 15-15, *The Navajo-Gallup Water Supply Project: Class III Inventory and Ethnographic Summary for the San Juan Lateral, Volume III: Reaches 9-11, Navajo Nation and McKinley County, New Mexico DRAFT*, provided to the PA Workgroup on April 25th, 2016. The site and feature identification nomenclature utilized in the table below is taken from this report and its associated data.

For "NRHP"

ND = not determined; potentially and effectively eligible for NRHP listing

E = eligible for NRHP listing (official determination)

NE = not eligible for NRHP listing (official determination)

For "Features impacted":

NA = not applicable; no features present on site

0 = no features impacted – but, direct impacts to site's surface artifact distribution

? = feature occurs on the edge of the ROW and may be impacted – further fieldwork would be necessary to firmly establish whether the feature sits inside or outside the proposed ROW.

Table 1: Sites Partially or Wholly within the Proposed Reach 9-11 ROW.

REACH	LA_Num	Site_Num_F	NRHP	Features impacted
R9	LA32948	NM-Q-3-68	E	F1 (the site is an isolated feature)
R9	LA32935	NM-H-62-101	E	F2
R9	LA32936	LA32936	E	F1, F2, F3?, F4
R9	LA32939	LA32939	E	0
R9	LA74503	NM-Q-3-7	E	0
R9	LA80415	LA80415	E	F1?, F2, F3, F4, F5

R9	LA145984	NM-Q-3-76	E	F1, F5, F9
R9	LA145987	NM-H-62-102	E	F1, F2, F3
R9		R9-02	NE	NA
R9		R9-04	E	0
R9		R9-10	NE	NA
R9		R9-11	E	0
R9		R9-13	E	F1
R9		R9-14	E	0
R9		R9-15	E	F1
R9		R9-16	E	0
R9		R9-21	E	0
R9		R9-23	E	0
R9		R9-25	E	0
R9		R9-26	E	F1, F2
R9		R9-27	E	F3, F4
R9		R9-30	ND	0
R9		R9-31	E	NA
R9		R9-34	E	NA
R9		R9-35	E	F3, F4
R9		R9-40	E	0
R9		R9-44	NE	NA
R9		R9-55	ND	NA
R9		R9-57	E	F1
R9		R9-69	E	F6
R9		R9-71	ND	0
R9	LA5203	LA5203	ND	Excavated Room Block
R9	LA5204	LA5204	ND	F1
R9	LA32931	NM-H-62-104	E	F12, F13
R9	LA32942	NM-Q-3-73	E	0
R9	LA32943	NM-Q-3-72	E	F1, F2
R9	LA32944	NM-Q-3-71	E	0
R9	LA32949	NM-Q-3-66	E	F3?
R9	LA71884	LA71884	ND	NA
R9	LA71888	LA71888	ND	NA
R9	LA80406	LA80406	E	F1, F5?
R9	LA80407	LA80407	E	NA; artifact concentration avoided
R9	LA80408	LA80408	E	F2?, F3
R9	LA80409	LA80409	ND	F2, F3, F4, F5, F6, F7, F8
R9	LA80410	LA80410	E	0; oxidized rock scatter
R9	LA80412	LA80412	NE	NA
R9	LA80413	LA80413	ND	NA; Navajo Gray sherd concentration impacted?
R9	LA145982	NM-Q-3-70	E	0
R9	LA145988	NM-H-62-105	E	F2 Section B

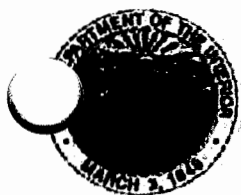
R9	LA145989	NM-H-62-106	ND	0
R9		R9-07	E	F4?
R10		R10-01	E	F3
R10		R10-03	ND	NA
R10		R10-19	E	F3
R10		R10-27	E	0
R10		R10-31	E	NA; most of site will be impacted
R10		R10-35	E	0
R10		R10-39	E	0
R10		R10-49	ND	NA
R10		R10-57	E	F1, F6
R10	LA11610	LA11610	E	0; artifact concentration near F31/32 impacted
R10		R10-11	E	NA; Locus 1, Locus 3 impacted
R11		R11-23	E	0
R11		R11-01	NE	NA
R11		R11-03	NE	0
R11		R11-06	ND	NA; most of site will be impacted
R11		R11-07	NE	F4?, F5?
R11		R11-17	ND	F5?
R11		R11-24	E	F1, F6, F10, F11
R11		R11-26	E	F4 & associated artifact concentration
R11		R11-28	NE	F1, F2, F3, ETC?
R9		R9-37	E	See R9-35 & Reach 9 Navajo Ethnographic Report
R10	LA2506	LA2506	E	F10
R10	LA2507	LA2507	E	F27
R10	LA2508	LA2508	E	0
R10	LA80424	LA80424	E	0; Artifact Concentration 2
R10	LA80425	LA80425	E	F9
R10	LA80430	LA80430	E	F5

The following table provides similar information for Isolated Occurrences (IOs) directly impacted by the current proposed construction ROW. IOs are considered categorically not eligible for NRHP listing, though identification of previously unobserved significance through consultation with the Navajo Nation Tribal Historic Preservation Officer (THPO) and the Programmatic Agreement (PA) Workgroup may justify the re-categorization of an IO as a potentially-eligible site or Traditional Cultural Property (TCP). In general, the area surrounding an IO located during Class III inventory is searched for a minimum of 20 meters (60 feet) to ensure the item is not part of a larger site, though obvious temporal disassociation may justify the recording of a certain artifact or feature separately as an isolate (e.g., a historic bottle found less than 20 meters from a prehistoric lithic scatter). Items in the table below are arranged in order from southernmost to northernmost.

FCR = fire-cracked rock

Table 2: Isolated Occurrences Partially or Wholly within the Proposed Reach 9-11 ROW.

Report IO Number	Description
11-05	Five gray ware sherds, one flake, in blowout. Area of scatter is 10 x 3 m.
11-15	modern dump 1-10 years old. sanitary cans, aluminum cans, tool box lid, camp stove propane tank, motorcycle parts.
11-13	modern single episode burn barrel dump with 40 oz beer bottles and other glass jars, bicycle parts, aluminum cans.
11-04	large enamel cooking pot
10-04	One thick Black-on-white sherd with slipped exterior.
10-09	Dump of historic material dating to the 1970's or 1980's in a shallow wash. Appears to be a single dumping episode.
10-02	One gray ware sherd and one corrugated sherd.
10-08	Five gray ware sherds.
9-31	One white ware sherd
9-33	Three gray ware sherds and one FCR
9-62	8 gray ware sherds
9-57	4 gray ware sherds in 10 m area
9-54	Helium line crossing arroyo?
9-53	Helium vault [#12]
9-64	Small, collapsed cairn
9-41	Two petrified wood tertiary flakes
9-21	Large concentration of charcoal with nails
9-20	Quartzite battered core
9-37	Three gray ware sherds and one flake. Associated with a rubble pile out side APE to east.
9-16	One gray ware sherd, one FCR
9-15	Two plain gray ware sherds
9-11	Corrugated gray ware sherd.
9-12	Black on white sherd
9-04	Pot drop: four sherds one flake
9-38	Three flakes, two sherds.
9-71	Exposed section of oil/helium pipeline consisting of sections of 4" diameter cast iron pipe.
9-08	Three sherds and three lithics.
9-44	3 pieces of SCA glass and 1 B/W sherd in 10m area
9-70	Two Dinetah gray sherds, one gray ware sherd, one petrified wood scraper in 10 x 10 m area. New home site to north.
9-43	3 gray ware sherds



United States Department of the Interior

Bureau of Indian Affairs
Navajo Region
P. O. Box 1060
Gallup, New Mexico 87305



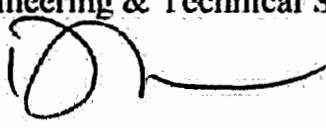
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MC 620: Branch of Environmental Quality Act Compliance and Review

OCT 29 2015

MEMORANDUM

To: Supervisory Civil Engineer, Engineering & Technical Support Division

Through: Deputy Director, Trust Services 

From: Supervisory Environmental Protection Specialist, Branch of Environmental Quality Act Compliance & Review 

Subject: National Environmental Policy Act and National Historic Preservation Act Compliance Documents - Navajo Gallup Water Supply Project

This memo provides guidance to the Division, as the Regional lead for the Navajo-Gallup Water Supply Project, concerning the various compliance documents for the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA).

For NEPA, the following documents would be considered acceptable:

- Sufficiency Analysis (see attachment);
- "Finding of No New Significant Impact" per 43 CFR § 46.140 (c); or
- "Finding of No Significant Impact" per 40 CFR § 1508.13.

As for compliance with the NHPA, the NGWSP does have an executed Programmatic Agreement (PA) concerning historic properties between federal, tribal, and state entities regarding effects on historic and cultural properties. The PA allows for the construction activities to proceed efficiently. In addition, there may be Reach-by-Reach compliance documents considered acceptable provided that the compliance document is signed by the Navajo Tribal Historic Preservation Officer:

- Cultural Resources Compliance Form (CRCF);
- A Bureau of Reclamation letter; or
- A letter from NNHPD.

Should you have questions regarding the NHPA, please contact Mr. Terry McClung, Regional Archaeologist at ext. 8349, or Ms. Harrilene Yazzie, Supervisory Environmental Protection Specialist, at ext. 8287, regarding questions related to the NEPA.



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF RECLAMATION

Western Colorado Area Office

Durango Field Division

185 Suttle Street, Suite 2

Durango, Colorado 81303-7911

LETTER OF AGREEMENT

Between

THE U.S. DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

And

BUREAU OF INDIAN AFFAIRS

The U.S. Department of the Interior, Bureau of Reclamation and Bureau of Indian Affairs (BIA) are entering into this Agreement to provide an established process for National Environmental Policy Act (NEPA) compliance in support of the Navajo Gallup Water Supply Project (NGWSP). The NGWSP is a municipal and industrial water pipeline with associated infrastructure being built to provide water to the Navajo Nation, Jicarilla Apache Nation and the City of Gallup, NM.


The NGWSP is described and analyzed in the NGWSP Project Planning Report and Final Environmental Impact Statement (PR/FEIS) dated July 2009, and the subsequent Record of Decision dated October 1, 2009.

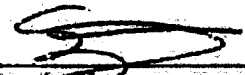
Reclamation and BIA officials in the project area offices have determined that National Environmental Policy Act (NEPA) compliance for updated project planning will be determined for independent sections of the pipeline as more refined information of the pipeline route and associated environmental studies are available. This information will be organized into the NGWSP NEPA Sufficiency Review Process (NEPA SRP) Environmental Analysis Form as found in Attachment A to this document. Development of this Form was the result of a collaborative effort between BIA and Reclamation as described in Attachment B (Development of a NEPA Sufficiency Review Process for Long-Term Implementation of the NGWSP).

The outcome of the NEPA SRP, collaboratively completed and signed by both agencies, will determine whether the existing PR/FEIS sufficiently addresses environmental impacts for a particular section of pipeline; or, if it doesn't, that further NEPA action is warranted (e.g., a tiered Environmental Assessment). The results of the NEPA SRP will be signed by appropriate representatives of both agencies with responsibility for determining the need for, and type of, further NEPA action.

If a additional NEPA action is required, Reclamation and BIA will provide joint oversight of the process, with Reclamation designated as the Lead Agency, and BIA designated as a Cooperating Agency according to Department of Interior NEPA guidelines at 43 CFR Part 46.

This Letter of Agreement becomes effective upon signature by authorized officials of Reclamation and BIA.

 5-23-13
 Ed Warner (Date)
 Manager
 Western Colorado Area Office
 Bureau of Reclamation

 6/10/13
 Sharon A. Pinto (Date)
 Director
 Navajo Regional Office
 Bureau of Indian Affairs

ROW CALCULATIONS FOR NGWSP BLOCK 9A													
REACH 9A PERM		Station To	ROW Width	Length (FT)	Area (SQFT)	Area (AC)							
Station From		Station To	ROW Width	Length (FT)	Area (SQFT)	Area (AC)							
89983+10.00		90021+00.00	80	3790.00	303200	6.96							
90021+00.00		90024+00.00	150	300.00	45000	1.03							
90024+00.00		90045+55.00	80	2155.00	172400	3.96							
90044+50.00		90074+50.00	80	3000.00	240000	5.51							
90074+50.00		90075+95.70	150	145.70	21855	0.50							Station Equation Ahead
90075+91.00		90078+00.00	150	209.00	31350	0.72							Station Equation Ahead
90078+00.00		90096+75.00	80	1875.00	150000	3.44							
90096+75.00		90098+25.00	150	150.00	22500	0.52							
90098+25.00		90099+76.64	80	151.64	12131.2	0.28							
90100+60.00		90160+50.00	80	5990.00	479200	11.00							Station Equation Ahead
90160+50.00		90165+00.00	150	450.00	67500	1.55							
90165+00.00		90221+42.05	80	5642.05	451364	10.36							
90222+44.00		90260+75.00	80	3831.00	306480	7.04							Station Equation Ahead
90260+75.00		90262+25.00	150	150.00	22500	0.52							
90262+25.00		90281+75.00	80	1950.00	156000	3.58							
90281+75.00		90284+00.00	150	225.00	33750	0.77							
90284+00.00		90375+50.00	80	9150.00	732000	16.80							
90375+50.00		90376+75.00	150	125.00	18750	0.43							
90376+75.00		90464+30.00	80	8755.00	700400	16.08							
90464+30.00		90466+70.00	150	240.00	36000	0.83							
90466+70.00		90578+00.00	80	11130.00	890400	20.44							
90578+00.00		90580+00.00	150	200.00	30000	0.69							
90580+00.00		90608+50.00	80	2850.00	228000	5.23							
90608+50.00		90610+00.00	150	150.00	22500	0.52							
90610+00.00		90619+99.00	80	999.00	79920	1.83							
90622+15.00		90649+89.00	80	2774.00	221920	5.09							Station Equation Ahead
90650+74.00		90702+40.36	80	5166.36	413308.8	9.49							Station Equation Ahead
				71553.75	Total Acres:	135.18							

ROW CALCULATIONS FOR NGWSP BLOCK 9A								
Reach 9A TEMP		ROW Width	ROW Width	Total				
Station From	Station To	RT	LT	ROW Width	Length (FT)	Area (SQFT)	Area (AC)	
89983+10.00	90028+50.00	75	75	150	4540.00	681000	15.63	
90028+50.00	90030+00.00	40	40	80	150.00	12000	0.28	
90030+00.00	90038+90.00	75	75	150	890.00	133500	3.06	
90038+90.00	90044+30.00	40	75	115	540.00	62100	1.43	
90044+30.00	90045+55.00	40	40	80	125.00	10000	0.23	
90044+50.00	90045+50.00	40	40	80	100.00	8000	0.18	Station Equation Ahead
90045+50.00	90075+95.70	75	75	150	3045.70	456855	10.49	
90075+91.00	90095+00.00	75	75	150	1909.00	286350	6.57	Station Equation Ahead
90095+00.00	90096+50.00	40	75	115	150.00	17250	0.40	
90096+50.00	90098+25.00	75	75	150	175.00	26250	0.60	
90098+25.00	90099+76.64	75	50	125	151.64	18955	0.44	
90100+60.00	90102+30.00	75	50	125	170.00	21250	0.49	Station Equation Ahead
90102+30.00	90221+42.05	75	75	150	11912.05	1786807.5	41.02	
90222+44.00	90289+24.00	75	75	150	6680.00	1002000	23.00	Station Equation Ahead
90289+24.00	90293+29.00	50	75	125	405.00	50625	1.16	
90293+29.00	90363+49.00	75	75	150	7020.00	1053000	24.17	
90363+49.00	90367+79.00	50	75	125	430.00	53750	1.23	
90367+79.00	90522+05.00	75	75	150	15426.00	2313900	53.12	
90522+05.00	90530+75.00	75	40	115	870.00	100050	2.30	
90530+75.00	90610+75.00	75	75	150	8000.00	1200000	27.55	
90610+75.00	90611+65.00	50	75	125	90.00	11250	0.26	
90611+65.00	90619+99.00	75	75	150	834.00	125100	2.87	
90622+15.00	90638+00.00	75	75	150	1585.00	237750	5.46	Station Equation Ahead
90638+00.00	90647+00.00	50	50	100	900.00	90000	2.07	
90647+00.00	90649+89.00	75	75	150	289.00	43350	1.00	
90650+74.00	90702+40.36	75	75	150	5166.36	774954	17.79	Station Equation Ahead
				Total Acres (Less Permanent AC):			107.61	
			Total Length (feet)		71553.75			

Navajo Gallup Water Supply Project - Tribal Trust Land - Reach 9A
Summary - Right-of-Way & Temporary Construction Easement - Navajo Minerals

Reach Number	Description	County	Township	Range	Section	Quarter Section	From Station	To Station	Length (ft)	Right-of-Way (P)		Length (ft)	Temp. Const. Easement (T)	
										Width (ft)	Acreage		Width (ft)	Acreage
9A	Pipeline	San Juan	21N	17W	7	NE1/4	8998310	8998522.38	212.38	80	0.39			
					7	NE1/4	8998310	8998522.38				212.38	70	0.34
	Pipeline	San Juan	21N	17W	8	W1/2	8998522.38	9000235.00	1712.62	80	3.15			
							9000235.00	9000415.00	180.00	80	0.33			
							9000415.00	9001375.00	960.00	80	1.76			
							9001375.00	9001700.00	325.00	80	0.60			
							9001700.00	9002100.00	400.00	80	0.73			
							9002100.00	9002400.00	300.00	150	1.03			
							9002400.00	9002413.00	13.00	80	0.02			
							9002413.00	9002909.00	496.00	80	0.91			
							9002909.00	9003152.93	243.93	80	0.45			
									4630.55		8.99			
					8	W1/2	8998522.38	9000235.00				1712.62	70	2.75
							9000235.00	9000415.00				180.00	70	0.29
							9000415.00	9001375.00				960.00	70	1.54
							9001375.00	9001700.00				325.00	70	0.52
							9001700.00	9002100.00				400.00	70	0.64
						ROW & TCE Are Same Width	9002100.00	9002400.00				300.00	0	0.00
							9002400.00	9002413.00				13.00	70	0.02
							9002413.00	9002850.00				437.00	70	0.70
						ROW & TCE Are Same Width	9002850.00	9002909.00				59.00	0	0.00
						ROW & TCE Are Same Width	9002909.00	9003000.00				91.00	0	0.00
							9003000.00	9003152.93				152.93	70	0.25
												4630.55		6.72
	Pipeline	San Juan	21N	17W	17	E1/2W1/2, SW1/4, SE1/4	9003152.93	9003800.00	647.07	80	1.19			
							9003800.00	9004073.00	273.00	80	0.50			
							9004073.00	9004258.00	185.00	80	0.34			
							9004258.00	9004555.00	297.00	80	0.55			
						Back/Ahead	9004555.00	9004450.00	0.00	80	0.00			
							9004450.00	9004838.00	388.00	80	0.71			
							9004838.00	9005281.00	443.00	80	0.81			
							9005281.00	9006771.00	1490.00	80	2.74			
							9006771.00	9007238.04	467.04	80	0.86			
							9007238.04	9007450.00	211.96	80	0.39			
							9007450.00	9007595.70	145.70	150	0.50			
						Back/Ahead	9007595.70	9007591.00	0.00	150	0.00			

							9007800.00	9007800.00	209.00	150	0.72			
							9007800.00	9008291.00	491.00	80	0.90			
							9008291.00	9008947.38	656.38	80	1.21			
									5904.15		11.41			
					17	E1/2W1/2, SW1/4, SE1/4	9003152.93	9003800.00				647.07	70	1.04
							9003800.00	9003890.00				90.00	70	0.14
							9003890.00	9004073.00				183.00	35	0.15
							9004073.00	9004258.00				185.00	35	0.15
							9004258.00	9004430.00				172.00	35	0.14
						ROW & TCE Are Same Width	9004430.00	9004555.00				125.00	0	0.00
						Back/Ahead	9004555.00	9004450.00				0.00	0	0.00
							9004450.00	9004550.00				100.00	0	0.00
							9004550.00	9004838.00				288.00	70	0.46
							9004838.00	9005281.00				443.00	70	0.71
							9005281.00	9006771.00				1490.00	70	2.39
							9006771.00	9007238.04				467.04	70	0.75
							9007238.04	9007450.00				211.96	70	0.34
						ROW & TCE Are Same Width	9007450.00	9007595.70				145.70	0	0.00
						Back/Ahead	9007595.70	9007591.00				0.00	0	0.00
						ROW & TCE Are Same Width	9007591.00	9007800.00				209.00	0	0.00
							9007800.00	9008291.00				491.00	70	0.79
							9008291.00	9008947.38				656.38	70	1.05
												5904.15		8.12
	Pipeline	San Juan	21N	17W	20	E1/2	9008947.38	9009399.00	451.62	80	0.83			
							9009399.00	9009675.00	276.00	80	0.51			
							9009675.00	9009825.00	150.00	150	0.52			
							9009825.00	9009976.64	151.64	80	0.28			
							9009976.64	9010060.00	0.00	80	0.00			
							9010060.00	9011262.00	1202.00	80	2.21			
							9011262.00	9014570.54	3308.54	80	6.08			
									5539.80		10.42			
					20	E1/2	9008947.38	9009399.00				451.62	70	0.73
							9009399.00	9009500.00				101.00	70	0.16
							9009500.00	9009650.00				150.00	35	0.12
							9009650.00	9009675.00				25.00	70	0.04
						ROW & TCE Are Same Width	9009675.00	9009825.00				150.00	0	0.00
							9009825.00	9009976.64				151.64	45	0.16
						Back/Ahead	9009976.64	9010060.00				0.00	45	0.00
							9010060.00	9010230.00				170.00	45	0.18
							9010230.00	9011262.00				1032.00	70	1.66

							9014570.54	9014570.54				3308.54	70	5.32
												5539.80		8.36
	Pipeline	San Juan	21N	17W	29	NE1/4	9014570.54	9016050.00	1479.46	80	2.72			
							9016050.00	9016064.00	14.00	150	0.05			
							9016064.00	9016500.00	436.00	150	1.50			
							9016500.00	9017089.00	589.00	80	1.08			
							9017089.00	9017143.98	54.98	80	0.10			
									2573.44		5.45			
					29	NE1/4	9014570.54	9016050.00				1479.46	70	2.38
						ROW & TCE Are Same Width	9016050.00	9016064.00				14.00	0	0.00
						ROW & TCE Are Same Width	9016064.00	9016500.00				436.00	0	0.00
							9016500.00	9017089.00				589.00	70	0.95
							9017089.00	9017143.98				54.98	70	0.09
												2573.44		3.41
	Pipeline	San Juan	21N	17W	28	W1/2	9017143.98	9017730.00	586.02	80	1.08			
							9017730.00	9018595.00	865.00	80	1.59			
							9018595.00	9018895.00	300.00	80	0.55			
							9018895.00	9020192.89	1297.89	80	2.38			
									3048.91		5.60			
					28	W1/2	9017143.98	9017730.00				586.02	70	0.94
							9017730.00	9018595.00				865.00	70	1.39
							9018595.00	9018895.00				300.00	70	0.48
							9018895.00	9020192.89				1297.89	70	2.09
												3048.91		4.90
	Pipeline	San Juan	21N	17W	33	W1/2	9020192.89	9021205.00	1012.11	80	1.86			
							9021205.00	9021526.26	321.26	80	0.59			
							9021526.26	9022142.05	615.79	80	1.13			
						Back/Ahead	9022142.05	9022244.00	0.00	80	0.00			
							9022244.00	9022389.00	145.00	80	0.27			
							9022389.00	9023689.00	1300.00	80	2.39			
							9023689.00	9025837.92	2148.92	80	3.95			
									5543.08		10.18			
					33	W1/2	9020192.89	9021205.00				1012.11	70	1.63
							9021205.00	9021526.26				321.26	70	0.52
							9021526.26	9022142.05				615.79	70	0.99

					Back/Ahead	9022242.05	9022244.00				0.00	70	0.00
						9022244.00	9022389.00				145.00	70	0.23
						9022389.00	9023689.00				1300.00	70	2.09
						9023689.00	9025837.92				2148.92	70	3.45
											5543.08		8.91
Pipeline	McKinley	20N	17W	4	W1/2	9025837.92	9026075.00	237.08	80	0.44			
						9026075.00	9026225.00	150.00	150	0.52			
						9026225.00	9026579.00	354.00	80	0.65			
						9026579.00	9027924.00	1345.00	80	2.47			
						9027924.00	9028175.00	251.00	80	0.46			
						9028175.00	9028400.00	225.00	150	0.77			
						9028400.00	9028926.00	526.00	80	0.97			
						9028926.00	9029160.00	234.00	80	0.43			
						9029160.00	9030453.00	1293.00	80	2.37			
						9030453.00	9031693.72	1240.72	80	2.28			
								5855.80		11.36			
				4	W1/2	9025837.92	9026075.00				237.08	70	0.38
					ROW & TCE Are Same Width	9026075.00	9026225.00				150.00	0	0.00
						9026225.00	9026579.00				354.00	70	0.57
						9026579.00	9027924.00				1345.00	70	2.16
						9027924.00	9028175.00				251.00	70	0.40
					ROW & TCE Are Same Width	9028175.00	9028400.00				225.00	0	0.00
						9028400.00	9028924.00				524.00	70	0.84
					Acreage Equals 0.002	9028924.00	9028926.00				2.00	45	0.00
						9028926.00	9029160.00				234.00	45	0.24
						9029160.00	9029329.00				169.00	45	0.17
						9029329.00	9030453.00				1124.00	70	1.81
						9030453.00	9031693.72				1240.72	70	1.99
											5855.80		8.58
Pipeline	McKinley	20N	17W	9	NE1/4NW1/4, E1/2	9031693.72	9031723.00	29.28	80	0.05			
						9031723.00	9032099.00	376.00	80	0.69			
						9032099.00	9034358.00	2259.00	80	4.15			
						9034358.00	9036026.00	1668.00	80	3.06			
						9036026.00	9036366.00	340.00	80	0.62			
						9036366.00	9036722.00	356.00	80	0.65			
						9036722.00	9037210.89	488.89	80	0.90			
								5517.17		10.13			
				9	NE1/4NW1/4, E1/2	9031693.72	9031723.00				29.28	70	0.05

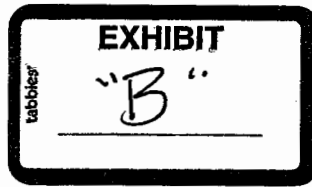
							9032099.00	9032099.00				376.00	70	0.60
							9032099.00	9034358.00				2259.00	70	3.63
							9034358.00	9036026.00				1668.00	70	2.68
							9036026.00	9036349.00				323.00	70	0.52
							9036349.00	9036366.00				17.00	45	0.02
							9036366.00	9036722.00				356.00	45	0.37
							9036722.00	9036779.00				57.00	45	0.06
							9036779.00	9037210.89				431.89	70	0.69
												5517.17		8.62
Pipeline	McKinley	20N	17W	16	W1/2E1/2		9037210.89	9037550.00	339.11	80	0.62			
							9037550.00	9037579.00	29.00	150	0.10			
							9037579.00	9037675.00	96.00	150	0.33			
							9037675.00	9037888.00	213.00	80	0.39			
							9037888.00	9039380.00	1492.00	80	2.74			
							9039380.00	9039680.00	300.00	80	0.55			
							9039680.00	9040440.00	760.00	80	1.40			
							9040440.00	9041290.00	850.00	80	1.56			
							9041290.00	9041590.00	300.00	80	0.55			
							9041590.00	9042199.00	609.00	80	1.12			
							9042199.00	9042578.22	379.22	80	0.70			
									5367.33		10.06			
				16	W1/2E1/2		9037210.89	9037550.00				339.11	70	0.54
					ROW & TCE Are Same Width		9037550.00	9037579.00				29.00	0	0.00
					ROW & TCE Are Same Width		9037579.00	9037675.00				96.00	0	0.00
							9037675.00	9037888.00				213.00	70	0.34
							9037888.00	9039380.00				1492.00	70	2.40
							9039380.00	9039680.00				300.00	70	0.48
							9039680.00	9040440.00				760.00	70	1.22
							9040440.00	9041290.00				850.00	70	1.37
							9041290.00	9041590.00				300.00	70	0.48
							9041590.00	9042199.00				609.00	70	0.98
							9042199.00	9042578.22				379.22	70	0.61
												5367.33		8.42
Pipeline	McKinley	20N	17W	21	W1/2E1/2		9042578.22	9042605.00	26.78	80	0.05			
							9042605.00	9043251.00	646.00	80	1.19			
							9043251.00	9043701.00	450.00	80	0.83			
							9043701.00	9044301.00	600.00	80	1.10			
							9044301.00	9046430.00	2129.00	80	3.91			
							9046430.00	9046439.00	9.00	150	0.03			

							9046439.00	9046670.00	231.00	150	0.80			
							9046670.00	9046692.00	22.00	80	0.04			
							9046692.00	9047906.25	1214.25	80	2.23			
									5328.03		10.17			
				21		W1/2E1/2	9042578.22	9042605.00				26.78	70	0.04
							9042605.00	9043251.00				646.00	70	1.04
							9043251.00	9043701.00				450.00	70	0.72
							9043701.00	9044301.00				600.00	70	0.96
							9044301.00	9046430.00				2129.00	70	3.42
						ROW & TCE Are Same Width	9046430.00	9046439.00				9.00	0	0.00
						ROW & TCE Are Same Width	9046439.00	9046670.00				231.00	0	0.00
							9046670.00	9046692.00				22.00	70	0.04
							9046692.00	9047906.25				1214.25	70	1.95
												5328.03		8.18
	Pipeline	McKinley	20N	17W	28	W1/2E1/2, SE1/4SW1/4	9047906.25	9047929.00	22.75	80	0.04			
							9047929.00	9049878.00	1949.00	80	3.58			
							9049878.00	9050728.00	850.00	80	1.56			
							9050728.00	9051428.00	700.00	80	1.29			
							9051428.00	9052197.00	769.00	80	1.41			
							9052197.00	9053214.65	1017.65	80	1.87			
									5308.40		9.75			
					28	W1/2E1/2, SE1/4SW1/4	9047906.25	9047929.00				22.75	70	0.04
							9047929.00	9049878.00				1949.00	70	3.13
							9049878.00	9050728.00				850.00	70	1.37
							9050728.00	9051428.00				700.00	70	1.12
							9051428.00	9052197.00				769.00	70	1.24
							9052197.00	9052205.00				8.00	70	0.01
							9052205.00	9053075.00				870.00	35	0.70
							9053075.00	9053214.65				139.65	70	0.22
												5308.40		7.83
	Pipeline	McKinley	20N	17W	33	W1/2E1/2, E1/2W1/2	9053214.65	9055889.00	2674.35	80	4.91			
							9055889.00	9056517.00	628.00	80	1.15			
							9056517.00	9057315.00	798.00	80	1.47			
							9057315.00	9057800.00	485.00	80	0.89			
							9057800.00	9058000.00	200.00	150	0.69			
							9058000.00	9058557.60	557.60	80	1.02			
									5342.95		10.13			

				33	W1/2E1/2, E1/2W1/2	9055889.00	9055889.00				2674.35	70	4.30
						9055889.00	9056517.00				628.00	70	1.01
						9056517.00	9057315.00				798.00	70	1.28
						9057315.00	9057800.00				485.00	70	0.78
					ROW & TCE Are Same Width	9057800.00	9058000.00				200.00	0	0.00
						9058000.00	9058557.60				557.60	70	0.90
											5342.95		8.26
Pipeline	McKinley	19N	17W	4	E1/2, NE1/4NW1/4	9058557.60	9058815.00	257.40	80	0.47			
						9058815.00	9059800.00	985.00	80	1.81			
						9059800.00	9060793.00	993.00	80	1.82			
						9060793.00	9060850.00	57.00	80	0.10			
						9060850.00	9061000.00	150.00	150	0.52			
						9061000.00	9061034.00	34.00	80	0.06			
						9061034.00	9061999.00	965.00	80	1.77			
						9061999.00	9062215.00	0.00	80	0.00			
						9062215.00	9063174.00	959.00	80	1.76			
						9063174.00	9063896.00	722.00	80	1.33			
						9063896.00	9064522.96	626.96	80	1.15			
								5749.36		10.80			
				4	E1/2, NE1/4NW1/4	9058557.60	9058815.00				257.40	70	0.41
						9058815.00	9059800.00				985.00	70	1.58
						9059800.00	9060793.00				993.00	70	1.60
						9060793.00	9060850.00				57.00	70	0.09
					ROW & TCE Are Same Width	9060850.00	9061000.00				150.00	0	0.00
						9061000.00	9061034.00				34.00	70	0.05
						9061034.00	9061075.00				41.00	70	0.07
						9061075.00	9061165.00				90.00	45	0.09
						9061165.00	9061999.00				834.00	70	1.34
					Back/Ahead	9061999.00	9062215.00				0.00	70	0.00
						9062215.00	9063174.00				959.00	70	1.54
						9063174.00	9063800.00				626.00	70	1.01
						9063800.00	9063896.00				96.00	20	0.04
						9063896.00	9064522.96				626.96	20	0.29
											5749.36		8.12
Pipeline	McKinley	19N	17W	9	W1/2E1/2	9064522.96	9064570.00	47.04	80	0.09			
						9064570.00	9064989.00	419.00	80	0.77			
					Back/Ahead	9064989.00	9065074.00	0.00	80	0.00			
						9065074.00	9067252.00	2178.00	80	4.00			
						9067252.00	9067948.00	696.00	80	1.28			

						9064548.00	9068501.00	553.00	80	1.02			
						9068501.00	9069590.00	1089.00	80	2.00			
						9069590.00	9070240.36	650.36	80	1.19			
								5632.40		10.34			
					9	W1/2E1/2	9064522.96	9064570.00			47.04	20	0.02
							9064570.00	9064700.00			130.00	20	0.06
							9064700.00	9064989.00			289.00	70	0.46
						Back/Ahead	9064989.00	9065074.00			0.00	70	0.00
							9065074.00	9067252.00			2178.00	70	3.50
							9067252.00	9067948.00			696.00	70	1.12
							9067948.00	9068501.00			553.00	70	0.89
							9068501.00	9069590.00			1089.00	70	1.75
							9069590.00	9070240.36			650.36	70	1.05
											5632.40		8.85
						TOTALS:			71,553.75	(P)	135.18	71,553.75	(T) 107.61

						ROW	TCE			
	Townships	Range	Sections	Quarters	Length	Acreage	Acreage	Tribal Tract No.	Status	County
Reach 9A	21N	17W	7	NE	212.38	0.39	0.34	791 - T 8153	Tribal Trust	San Juan
	21N	17W	8	WEST HALF	4630.55	8.99	6.72	791 - T 8153	Tribal Trust	San Juan
	21N	17W	17	WEST HALF				791 - T 8153	Tribal Trust	San Juan
	21N	17W	17	SW				791 - T 8153	Tribal Trust	San Juan
	21N	17W	17	SE	5904.15	11.41	8.12	791 - T 8153	Tribal Trust	San Juan
	21N	17W	20	EAST HALF	5539.80	10.42	8.36	791 - T 8153	Tribal Trust	San Juan
	21N	17W	29	NE	2573.44	5.45	3.41	791 - T 8153	Tribal Trust	San Juan
	21N	17W	28	WEST HALF	3048.91	5.60	4.90	791 - T 8153	Tribal Trust	San Juan
	21N	17W	33	WEST HALF	5543.08	10.18	8.91	791 - T 8153	Tribal Trust	San Juan
	20N	17W	4	WEST HALF	5855.80	11.36	8.58	791 - T 8156	Tribal Trust	McKinley
	20N	17W	9	EAST HALF				791 - T 8156	Tribal Trust	McKinley
	20N	17W	9	NW	5517.17	10.13	8.62	791 - T 8156	Tribal Trust	McKinley
	20N	17W	16	EAST HALF	5367.33	10.06	8.42	791 - T 8156	Tribal Trust	McKinley
	20N	17W	21	EAST HALF	5328.03	10.17	8.18	791 - T 8156	Tribal Trust	McKinley
	20N	17W	28	EAST HALF				791 - T 8156	Tribal Trust	McKinley
	20N	17W	28	SW	5308.40	9.75	7.83	791 - T 8156	Tribal Trust	McKinley
	20N	17W	33	ALL OF SECTION	5342.95	10.13	8.26	791 - T 8156	Tribal Trust	McKinley
	19N	17W	4	ALL OF SECTION	5749.36	10.80	8.12	791 - T 8179	Tribal Trust	McKinley
	19N	17W	9	EAST HALF	5632.40	10.34	8.85	791 - T 8179	Tribal Trust	McKinley
				Totals - Reach 9A	71553.75	135.18	107.62			



**NAVAJO NATION ROW TEMPORARY CONSTRUCTION EASEMENT
TERMS AND CONDITIONS: BUREAU OF RECLAMATION (GRANTEE)
(Navajo Gallup Water Supply Project Reach 9A-San Juan Lateral)**

1. The term of the ROW temporary construction easement shall begin on the date it is granted by the Secretary of the Interior (Secretary) and shall continue as long as the Grantee Bureau of Reclamation (BOR) or its successors, or assigns uses the ROW temporary construction easement for the construction, operation, and maintenance of the Navajo Gallup Water Supply Project (Project) with a maximum term of no more than four (4) years.
2. The total consideration for the use of land for the temporary construction easement is assessed at \$2,757,061.12, which shall be the Navajo Nation's contribution to the Project because the Project will provide water to the Navajo Nation.

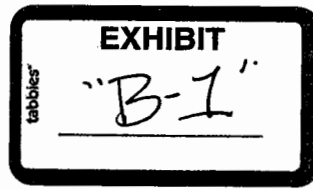
The Grantee must obtain the approval of the Navajo Nation if any portion of the right-of-way is used for any other purpose than authorized by the approval of this right-of-way.

3. The Grantee may develop, use, and occupy the right-of-way for the purpose(s) of constructing, operating, and maintaining the Navajo Gallup Water Supply Project. The Grantee may not develop, use, or occupy the right-of-way for any other purpose without the prior written approval of the Navajo Nation and the Secretary of the Interior. The approval of the Navajo Nation may be granted, granted upon conditions, or withheld at the sole discretion of the Navajo Nation.
4. In all activities conducted by the Grantee within the Navajo Nation, the Grantee shall abide by all applicable laws and regulations of the Navajo Nation and of the United States, now in force and effect or as hereafter may come into force and effect, including but not limited to the following:
 - a. Title 25, Code of Federal Regulations, Part 169;
 - b. All applicable federal and Navajo Nation antiquities laws and regulations, including compliance with the Programmatic Agreement for the Consideration and Management of Effects on Historic Properties Arising from Construction of the Navajo Gallup Water Supply Project pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's regulation, last date of execution by all signatories being November 21, 2011, and any amendments thereto.
 - c. BOR shall give employment preference to qualifying Navajos and other Indians in accordance with applicable Navajo and federal law. BOR shall utilize Navajo contractors and Navajo businesses (to purchase goods and materials) in accordance with applicable law.

- d. The Navajo Nation Water Code, 22 N.N.C. § 1101 et seq., to the extent that it is applicable. Grantee shall apply for and submit all applicable permits and information to the Navajo Nation Water Resources Department, or its successor.
5. The Grantee shall ensure that the air quality of the Navajo Nation is not jeopardized due to violation of applicable laws and regulations by its operations pursuant to the right-of-way.
6. The Grantee shall clear and keep clear the lands within the right-of-way to the extent compatible with the purpose of the right-of-way, and shall dispose of all vegetation and other materials cut, uprooted, or otherwise accumulated during any surface disturbance activities.
7. The Grantee shall reclaim all surface lands disturbed related to the right-of-way, as outlined in a restoration and re-vegetation plan, which shall be approved by the Navajo Nation Environmental Protection Agency (NNEPA) prior to any surface disturbance. The Grantee shall comply with all provisions of such restoration and re-vegetation plan and shall notify the Director of the NNEPA immediately upon completion of the surface disturbance activities so that a site inspection can be made.
8. The Grantee shall at all times during the term of the right-of-way and at the Grantee's sole cost and expense, maintain the land subject to the right-of-way and all improvements located thereon and make all necessary and reasonable repairs.
9. The Grantee shall obtain prior written permission to cross existing rights-of-way, if any, from the appropriate parties.
10. The Grantee shall be responsible for and promptly pay all damages when they are sustained provided that nothing herein shall be deemed to increase the liability of the United States beyond the provisions of the Federal Tort Claims Act, Act of June 25, 1948, 62 Stat. 982 (28 U.S.C. § 1346(b), 2671 et seq.) or other applicable law.
11. The Grantee shall not assign, convey, or transfer, in any manner whatsoever, the right-of-way or any interest therein, or in or to any of the improvements on the land subject to the right-of-way or any interest therein, or in or to any of the improvements on the land subject to the right-of-way, without the prior written consent of the Navajo Nation and the Secretary of the Interior. Any such attempted assignment, conveyance, or transfer without such prior written consent shall be void and of no effect. The consent of the Navajo Nation may be granted, granted upon conditions, or withheld at the sole discretion of the Navajo Nation. Congress has authorized BOR to transfer Project title under P.L. 111-11 1062 (f). It is anticipated that after Project title is transferred to the Navajo Nation, the Navajo Tribal Utility Authority will operate and maintain the Project. Therefore, the Grantee may assign and transfer the right-of-way to the Navajo Tribal Utility Authority as authorized by federal law without further approval of the Navajo Nation or the Secretary.
12. At the relinquishment of this right-of-way, the Grantee, other than the United States shall peaceably and without legal process deliver up the possession of the premises, in good condition, usual wear and tear excepted. Upon the written request of the Navajo Nation,

the Grantee shall provide the Navajo Nation, at the Grantee's sole cost and expense, with an environmental site assessment of the premises at least sixty (60) days prior to delivery of the said premises. This provision 12 shall not apply to the United States as Grantee.

13. Holding over by the Grantee after the relinquishment of the right-of-way shall not constitute a renewal or extension thereof or give the Grantee any rights hereunder or in or to the land subject to the right-of-way or to any improvements located thereon. This provision 13 shall not apply to the United States as Grantee.
14. The Navajo Nation and the Secretary shall have the right, at any reasonable time during the term of the right-of-way, to enter upon the premises, or any part thereof, to inspect the same and any improvements located thereon.
15. By acceptance of the grant of right-of-way, the Grantee covenants and agrees never to contest or challenge the legislative, executive, or judicial jurisdiction of the Navajo Nation on the basis that such jurisdiction is inconsistent with the status of the Navajo Nation as an Indian nation, or that the Navajo Nation government is not a government of general jurisdiction, or that the Navajo Nation government does not possess full police power (i.e., the power to legislate and regulate for the general health and welfare of the Navajo people) over all lands, persons, and activities within its territorial boundaries, or on any other basis not generally applicable to a similar challenge to the jurisdiction of a state government. Nothing contained in this provision shall be construed to negate or impair federal responsibilities with respect to the land subject to the right-of-way or to the Navajo Nation.
16. Any action or claim brought against the Navajo Nation arising out of the injury to person or property (tort) may be heard in the Courts of the Navajo Nation in accordance with applicable Navajo and federal law. No action or claim shall be brought against the Navajo Nation in any state court.
17. Nothing contained herein shall be interpreted as constituting a waiver, express or implied, of the sovereign immunity of the Navajo Nation.
18. Except as prohibited by applicable federal law, the law of the Navajo Nation shall govern the construction, performance, and enforcement of the terms and conditions contained herein.
19. The terms and conditions contained herein shall extend to and be binding upon the successors, heirs, assigns, executors, administrators, employees, and agents, including all contractors and subcontractors, of the Grantee, and the term "Grantee," whenever used herein, shall be deemed to include all such successors, heirs, assigns, executors, administrators, employees, and agents.
20. There is expressly reserved to the Navajo Nation full territorial legislative, executive and judicial jurisdiction over the right-of-way and all lands burdened by the right-of-way, including without limitation over all persons, including the public, and all activities conducted or otherwise occurring within the right-of-way; and the right-of-way and all lands burdened by the right-of-way shall remain Navajo Indian Country for purposes of Navajo Nation jurisdiction.



**NAVAJO NATION RIGHT-OF-WAY TERM & CONDITIONS:
BUREAU OF RECLAMATION (GRANTEE)
(Navajo Gallup Water Supply Project Reach 9A-San Juan Lateral)**

1. The term of the permanent right-of-way shall begin on the date it is granted by the Secretary of the Interior (Secretary) and shall continue as long as the Grantee Bureau of Reclamation (BOR) or its successors, or assigns uses the right-of-way for the construction, operation, and maintenance of the Navajo Gallup Water Supply Project (Project).
2. The annual consideration for the use of land is assessed at \$864,321.35 (annually adjusted), which shall be the Navajo Nation's contribution to the Project because the Project will provide water to the Navajo Nation.

The Grantee must obtain the approval of the Navajo Nation if any portion of the right-of-way is used for any other purpose than authorized by the approval of this right-of-way.

3. The Grantee may develop, use, and occupy the right-of-way for the purpose(s) of constructing, operating, and maintaining the Navajo Gallup Water Supply Project. The Grantee may not develop, use, or occupy the right-of-way for any other purpose without the prior written approval of the Navajo Nation and the Secretary of the Interior. The approval of the Navajo Nation may be granted, granted upon conditions, or withheld at the sole discretion of the Navajo Nation.
4. In all activities conducted by the Grantee within the Navajo Nation, the Grantee shall abide by all applicable laws and regulations of the Navajo Nation and of the United States, now in force and effect or as hereafter may come into force and effect, including but not limited to the following:
 - a. Title 25, Code of Federal Regulations, Part 169;
 - b. All applicable federal and Navajo Nation antiquities laws and regulations, including compliance with the Programmatic Agreement for the Consideration and Management of Effects on Historic Properties Arising from Construction of the Navajo Gallup Water Supply Project pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's regulation, last date of execution by all signatories being November 21, 2011, and any amendments thereto.
 - c. BOR shall give employment preference to qualifying Navajos and other Indians in accordance with applicable Navajo and federal law. BOR shall utilize Navajo contractors and Navajo businesses (to purchase goods and materials) in accordance with applicable law.
 - d. The Navajo Nation Water Code, 22 N.N.C. § 1101 et seq., to the extent that it is applicable. Grantee shall apply for and submit all applicable permits and information to the Navajo Nation Water Resources Department, or its successor.

5. The Grantee shall ensure that the air quality of the Navajo Nation is not jeopardized due to violation of applicable laws and regulations by its operations pursuant to the right-of-way.
6. The Grantee shall clear and keep clear the lands within the right-of-way to the extent compatible with the purpose of the right-of-way, and shall dispose of all vegetation and other materials cut, uprooted, or otherwise accumulated during any surface disturbance activities.
7. The Grantee shall reclaim all surface lands disturbed related to the right-of-way, as outlined in a restoration and re-vegetation plan, which shall be approved by the Navajo Nation Environmental Protection Agency (NNEPA) prior to any surface disturbance. The Grantee shall comply with all provisions of such restoration and re-vegetation plan and shall notify the Director of the NNEPA immediately upon completion of the surface disturbance activities so that a site inspection can be made.
8. The Grantee shall at all times during the term of the right-of-way and at the Grantee's sole cost and expense, maintain the land subject to the right-of-way and all improvements located thereon and make all necessary and reasonable repairs.
9. The Grantee shall obtain prior written permission to cross existing rights-of-way, if any, from the appropriate parties.
10. The Grantee shall be responsible for and promptly pay all damages when they are sustained provided that nothing herein shall be deemed to increase the liability of the United States beyond the provisions of the Federal Tort Claims Act, Act of June 25, 1948, 62 Stat. 982 (28 U.S.C. § 1346(b), 2671 et seq.) or other applicable law.
11. The Grantee shall not assign, convey, or transfer, in any manner whatsoever, the right-of-way or any interest therein, or in or to any of the improvements on the land subject to the right-of-way or any interest therein, or in or to any of the improvements on the land subject to the right-of-way, without the prior written consent of the Navajo Nation and the Secretary of the Interior. Any such attempted assignment, conveyance, or transfer without such prior written consent shall be void and of no effect. The consent of the Navajo Nation may be granted, granted upon conditions, or withheld at the sole discretion of the Navajo Nation. Congress has authorized BOR to transfer Project title under P.L. 111-11 1062 (f). It is anticipated that after Project title is transferred to the Navajo Nation, the Navajo Tribal Utility Authority will operate and maintain the Project. Therefore, the Grantee may assign and transfer the right-of-way to the Navajo Tribal Utility Authority as authorized by federal law without further approval of the Navajo Nation or the Secretary.
12. At the relinquishment of this right-of-way, the Grantee, other than the United States shall peaceably and without legal process deliver up the possession of the premises, in good condition, usual wear and tear excepted. Upon the written request of the Navajo Nation, the Grantee shall provide the Navajo Nation, at the Grantee's sole cost and expense, with an environmental site assessment of the premises at least sixty (60) days prior to delivery of the said premises. This provision 12 shall not apply to the United States as Grantee.

13. Holding over by the Grantee after the relinquishment of the right-of-way shall not constitute a renewal or extension thereof or give the Grantee any rights hereunder or in or to the land subject to the right-of-way or to any improvements located thereon. This provision 13 shall not apply to the United States as Grantee.
14. The Navajo Nation and the Secretary shall have the right, at any reasonable time during the term of the right-of-way, to enter upon the premises, or any part thereof, to inspect the same and any improvements located thereon.
15. By acceptance of the grant of right-of-way, the Grantee covenants and agrees never to contest or challenge the legislative, executive, or judicial jurisdiction of the Navajo Nation on the basis that such jurisdiction is inconsistent with the status of the Navajo Nation as an Indian nation, or that the Navajo Nation government is not a government of general jurisdiction, or that the Navajo Nation government does not possess full police power (i.e., the power to legislate and regulate for the general health and welfare of the Navajo people) over all lands, persons, and activities within its territorial boundaries, or on any other basis not generally applicable to a similar challenge to the jurisdiction of a state government. Nothing contained in this provision shall be construed to negate or impair federal responsibilities with respect to the land subject to the right-of-way or to the Navajo Nation.
16. Any action or claim brought against the Navajo Nation arising out of the injury to person or property (tort) may be heard in the Courts of the Navajo Nation in accordance with applicable Navajo and federal law. No action or claim shall be brought against the Navajo Nation in any state court.
17. Nothing contained herein shall be interpreted as constituting a waiver, express or implied, of the sovereign immunity of the Navajo Nation.
18. Except as prohibited by applicable federal law, the law of the Navajo Nation shall govern the construction, performance, and enforcement of the terms and conditions contained herein.
19. The terms and conditions contained herein shall extend to and be binding upon the successors, heirs, assigns, executors, administrators, employees, and agents, including all contractors and subcontractors, of the Grantee, and the term "Grantee," whenever used herein, shall be deemed to include all such successors, heirs, assigns, executors, administrators, employees, and agents.
20. There is expressly reserved to the Navajo Nation full territorial legislative, executive and judicial jurisdiction over the right-of-way and all lands burdened by the right-of-way, including without limitation over all persons, including the public, and all activities conducted or otherwise occurring within the right-of-way; and the right-of-way and all lands burdened by the right-of-way shall remain Navajo Indian Country for purposes of Navajo Nation jurisdiction.

Document No. 008038Date Issued: 05/17/2017**EXECUTIVE OFFICIAL REVIEW**Title of Document: BOR-ROW Reach 9A San Juan Lateral Contact Name: YAZZIE, ELERINA BProgram/Division: DIVISION OF NATURAL RESOURCESEmail: elerina_yazzie@frontier.com Phone Number: 928-871-6447☐ **Business Site Lease** Sufficient Insufficient

1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Controller: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
(only if Procurement Clearance is not issued within 30 days of the initiation of the E.O. review)			
3. Office of the Attorney General: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Business and Industrial Development Financing, Veteran Loans, (i.e. Loan, Loan Guarantee and Investment) or Delegation of Approving and/or Management Authority of Leasing transactions**

1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Attorney General: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Fund Management Plan, Expenditure Plans, Carry Over Requests, Budget Modifications**

1. Office of Management and Budget: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Controller: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. Office of the Attorney General: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Navajo Housing Authority Request for Release of Funds**

1. NNEPA: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Attorney General: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Lease Purchase Agreements**

1. Office of the Controller: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
(recommendation only)			
2. Office of the Attorney General: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Grant Applications**

1. Office of Management and Budget: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Controller: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. Office of the Attorney General: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Five Management Plan of the Local Governance Act, Delegation of an Approving Authority from a Standing Committee, Local Ordinances (Local Government Units), or Plans of Operation/Division Policies Requiring Committee Approval**

1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Attorney General: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Relinquishment of Navajo Membership**

1. Land Department: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Elections: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. Office of the Attorney General: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Land Withdrawal or Relinquishment for Commercial Purposes**

Sufficient Insufficient

1. Division:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Land Withdrawals for Non-Commercial Purposes, General Land Leases and Resource Leases**

1. NLD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. F&W	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. HPD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. NNEPA	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
6. DNR	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
7. DOJ	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Rights of Way**

1. NLD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. F&W	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. HPD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. NNEPA	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
6. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
7. OPVP	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Oil and Gas Prospecting Permits, Drilling and Exploration Permits, Mining Permit, Mining Lease**

1. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. OPVP	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. NLD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Assignment of Mineral Lease**

1. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. DNR	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. DOJ	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☒ **ROW (where there has been no delegation of authority to the Navajo Land Department to grant the Nation's consent to a ROW)**

1. NLD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. F&W	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. HPD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. NNEPA	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
6. DNR	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
7. DOJ (ic)	_____	Date: 7/19/17	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. OPVP	_____	Date: 7/19/17	<input checked="" type="checkbox"/>	<input type="checkbox"/>

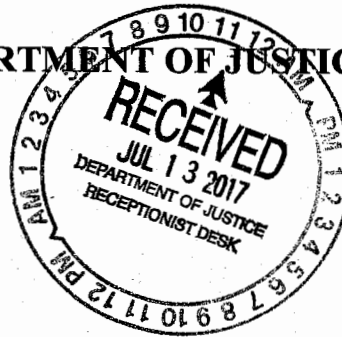
☐ **OTHER:**

1. _____	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. _____	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. _____	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. _____	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. _____	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>



NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM



☐ RESUBMITTAL

DOJ
7/13/17 11:14
DATE / TIME
☐ 7 Day Deadline
DOC #: 008038
SAS #:
UNIT: *mm*

*** FOR NNDOJ USE ONLY - DO NOT CHANGE OR REVISE FORM. VARIATIONS OF THIS FORM WILL NOT BE ACCEPTED. ***

CLIENT TO COMPLETE

DATE OF REQUEST: 7/13/2017 DIVISION: NATURAL RESOURCES
CONTACT NAME: Michelle Hoskie or Stevie Hudson DEPARTMENT: GENERAL LAND DEVELOPMENT DEPARTMENT
PHONE NUMBER: x 6447 E-MAIL: steviehudson@frontier.com

TITLE OF DOCUMENT: BOR NAVAJO GALLUP WATER SUPPLY PROJECT - REACH 9A

DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT: 7.13.17 11:50 am REVIEWING ATTORNEY/ADVOCATE: *Kevin Chee* 7.24.17

DATE TIME OUT OF UNIT: 7.20.17 @ 3 pm *B*

DOJ ATTORNEY / ADVOCATE COMMENTS

- Document is legally sufficient.

REVIEWED BY: (Print) *Travis Gase* Date / Time 7-19-17 SURNAME BY: (Print) *Blackhart* Date / Time 7/19/17 2:04 pm

DOJ Secretary Called: *Michelle* for Document Pick Up on 7.20.17 at 240 By: *B*

PICKED UP BY: (Print)

DATE / TIME:

NNDOJ/DRRF-July 2013

COMPLETED

User	Name	Job Title	Department	Vote	Comments	Replies	Vote Date	Signature
Robert Allan Deputy Director (Navajo Land DNR Title Data System - Windowrock AZ)	Robert Allan Deputy Director (Navajo Land DNR Title Data System - Windowrock AZ)	Water Quality - (Navajo Land Supervisor Title Data System - Windowrock AZ)	Navajo Nation Environmental Protection Agency	Approved	1. Surface disturbance will exceed 1.0 acre so coverage is required under the federal Construction Permit for discharges associated with construction sites. A Notice of Intent (NOI) must be submitted to USEPA 14 days prior to earthmoving and a storm water pollution prevention plan must be developed prior to NOI submission.	1. No Reply	07-Jun-2017	Robert A. Allen
Patrick Water Quality - (Navajo Land Supervisor Title Data System - Windowrock AZ)	Patrick Water Quality - (Navajo Land Supervisor Title Data System - Windowrock AZ)	Water Quality - (Navajo Land Supervisor Title Data System - Windowrock AZ)	Navajo Nation Environmental Protection Agency	Approved	1. Surface disturbance will exceed 1.0 acre so coverage is required under the federal Construction Permit for discharges associated with construction sites. A Notice of Intent (NOI) must be submitted to USEPA 14 days prior to earthmoving and a storm water pollution prevention plan must be developed prior to NOI submission.	1. No Reply	19-May-2017	Patrick Water
Pam Kyselka Technical Review (Navajo Land Title Data System - Windowrock AZ)	Pam Kyselka Technical Review (Navajo Land Title Data System - Windowrock AZ)	Water Quality - (Navajo Land Supervisor Title Data System - Windowrock AZ)	Navajo Nation Environmental Protection Agency	Approved	1. Surface disturbance will exceed 1.0 acre so coverage is required under the federal Construction Permit for discharges associated with construction sites. A Notice of Intent (NOI) must be submitted to USEPA 14 days prior to earthmoving and a storm water pollution prevention plan must be developed prior to NOI submission.	1. No Reply	22-May-2017	Patricia M. Allen
Pam Kyselka Technical Review (Navajo Land Title Data System - Windowrock AZ)	Pam Kyselka Technical Review (Navajo Land Title Data System - Windowrock AZ)	Water Quality - (Navajo Land Supervisor Title Data System - Windowrock AZ)	Navajo Nation Environmental Protection Agency	Approved	1. Surface disturbance will exceed 1.0 acre so coverage is required under the federal Construction Permit for discharges associated with construction sites. A Notice of Intent (NOI) must be submitted to USEPA 14 days prior to earthmoving and a storm water pollution prevention plan must be developed prior to NOI submission.	1. No Reply	18-May-2017	Patricia M. Allen
Lee Anna Water Quality - (Navajo Land Supervisor Title Data System - Windowrock AZ)	Lee Anna Water Quality - (Navajo Land Supervisor Title Data System - Windowrock AZ)	Water Quality - (Navajo Land Supervisor Title Data System - Windowrock AZ)	Navajo Nation Environmental Protection Agency	Approved	1. Surface disturbance will exceed 1.0 acre so coverage is required under the federal Construction Permit for discharges associated with construction sites. A Notice of Intent (NOI) must be submitted to USEPA 14 days prior to earthmoving and a storm water pollution prevention plan must be developed prior to NOI submission.	1. No Reply	24-May-2017	Lee Anna Water
Eugenia Air and Toxics - (Navajo Land Supervisor Title Data System - Windowrock AZ)	Eugenia Air and Toxics - (Navajo Land Supervisor Title Data System - Windowrock AZ)	Water Quality - (Navajo Land Supervisor Title Data System - Windowrock AZ)	Navajo Nation Environmental Protection Agency	Approved	1. Surface disturbance will exceed 1.0 acre so coverage is required under the federal Construction Permit for discharges associated with construction sites. A Notice of Intent (NOI) must be submitted to USEPA 14 days prior to earthmoving and a storm water pollution prevention plan must be developed prior to NOI submission.	1. No Reply	24-May-2017	Eugenia Air and Toxics
Robert Allan Deputy Director (Navajo Land DNR Title Data System - Windowrock AZ)	Robert Allan Deputy Director (Navajo Land DNR Title Data System - Windowrock AZ)	Water Quality - (Navajo Land Supervisor Title Data System - Windowrock AZ)	Navajo Nation Environmental Protection Agency	Approved	1. Surface disturbance will exceed 1.0 acre so coverage is required under the federal Construction Permit for discharges associated with construction sites. A Notice of Intent (NOI) must be submitted to USEPA 14 days prior to earthmoving and a storm water pollution prevention plan must be developed prior to NOI submission.	1. No Reply	07-Jun-2017	Robert A. Allen

Tamara Billie HPD NNHP (Navajo Land Title Data System - Windowrock AZ)	Reviewer	Historic Preservation Department	Approved	no comments	No Reply	19-May-2017
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Tamara Billie

Yolanda Barney EPA (Navajo Land Title Data System - Windowrock AZ)	Public Water System Supervision Program	Navajo Nation Environmental Protection Agency	Approved	1. Please see attached approval memorandum.	1. No Reply	22-May-2017
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Yolanda

User Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date	Signature
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Bidtah N. Becker (FBFA)	FBFA Users	FBFA Action Team	Approved	1. The terms and conditions need to be attached. According to BOR's letter dated May 16, the terms and conditions have been negotiated and will be attached. DNR Administration assumes that the terms and conditions will be attached by the Navajo Nation Department of Justice. GLDD: please confirm with DOJ that the correct terms and conditions are attached before the packet is submitted to the Resources and Development Committee BEFORE the packet is submitted to the Legislative Branch. Thanks.	1. No Reply	03-Jul-2017	
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B.N. Becker

Richard Begay NNHP (Navajo Land Title Data System - Windowrock AZ)	Navajo Nation Historic Preservation Department Officer	Historic Preservation Department	Approved	no comments	No Reply	07-Jun-2017
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Richard M. Begay

Ronnie Ben EPA (Navajo Land Title Data System - Windowrock AZ) Underground Injection Control - Reviewer Navajo Nation Environmental Protection Agency Approved 1. Conditional approval based on compliance with NNEPA and EPA environmental laws. 1. No Reply 08-Jun-2017

Noi he

Sam Diswood (Navajo Land Title Data System - Windowrock AZ) Technical Review Fish and Wildlife Approved no comments No Reply 07-Jun-2017

Samuel F. Diswood

Steven Prince MIN (Navajo Land Title Data System - Windowrock AZ) Technical Review Navajo Nation Minerals Management Approved 1. This vote is contingent on the two uploaded terms and conditions documents being incorporated into the package as a whole. slp 1. No Reply 13-Jul-2017

Steven L Prince

W. Mike Halona (Navajo Land Title Data System - Windowrock AZ) Manager III NLD Navajo Land Administration Approved no comments No Reply 07-Jun-2017

W. Mike Halona



THE NAVAJO NATION
ENVIRONMENTAL PROTECTION AGENCY

Public Water Systems Supervision Program
Post Office Box 339, Window Rock, AZ 86515
Telephone (928) 871-7755
Fax (928) 871-7818
www.navajopublicwater.org




Russell Begaye
President

Jonathan Nez
Vice President

May 22, 2017

MEMORANDUM

TO: Navajo Land Title Data Systems
Land Department
Division of Natural Resources

FROM: 
Yolanda Barney, Environmental Program Manager
Public Water Systems Supervision Program
Surface and Ground Water Protection Department
Navajo Nation Environmental Protection Agency

SUBJECT: DOCUMENT No. 008038

The Navajo Nation Environmental Protection Agency's Public Water Systems Supervision Program ("PWSSP") reviewed Document No. 008038: Applications for Consent to a Grant of Right-of-Way (ROW) and Temporary Construction Easement (TCE) – Tribal Trust Land- Reach 9A –San Juan Lateral-Navajo-Gallup Water Supply Project, San Juan County and McKinley County, New Mexico. This is an application from the U.S. Bureau of Reclamation for Consent to a grant of Right of Way (ROW) and Temporary Construction Easement (TCE) over, across, and through the subject Navajo Nation Tribal Trust Lands located in the area of Naschitti and Tohatchi Chapters in San Juan and McKinley Counties, New Mexico. PWSSP recommends approval of this document.

All proposed drinking water projects will need to be permitted by the PWSSP-NNEPA. All proposed drinking water projects (extensions, upgrades, new wells, new public water systems, etc.) must also comply with the design review and construction permit requirements of the PWSSP pursuant §§1501 and 1601 of the Navajo Nation Primary Drinking Water Regulations.

If there are any questions, please contact me at 871-7755.

xc: PWSID#NN3500237
PWSID#NN3500268
PWSSP files



United States Department of the Interior

BUREAU OF RECLAMATION
Upper Colorado Region
Four Corners Construction Office
1235 La Plata Highway
Farmington, NM 87401

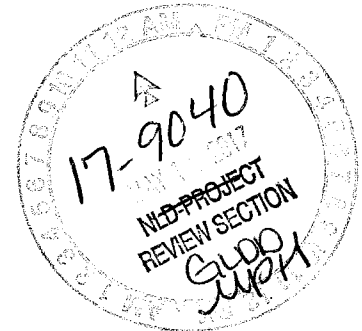
IN REPLY REFER TO:

FCCO-202
LND-3.00

MAY 16 2017

HAND DELIVERED

Mr. Howard P. Draper
Program and Projects Specialist
Navajo Land Department
Project Review Section
Navajo Nation Division of Natural Resources
P.O. Box 2249
Window Rock, AZ 86515



Subject: Applications for Consent to a Grant of Right-of-Way (ROW) and Temporary Construction Easement (TCE) - Tribal Trust Land - Reach 9A – San Juan Lateral - Navajo-Gallup Water Supply Project, San Juan County, and McKinley County, New Mexico

Dear Mr. Draper:

The Bureau of Reclamation hereby requests tribal consent to a grant of ROW and TCE over, across, and through the subject Navajo Nation Tribal Trust Lands located in the area of Naschitti and Tohatchi, Chapters in San Juan, and McKinley Counties in New Mexico. The Bureau of Indian Affairs (BIA) requires that said consent be obtained by Reclamation, and that it be submitted with applications for ROW and TCE. Enclosed are the applications for said consent and additional pertinent documents on CD format that are respectfully submitted for your review and processing.

Reclamation and the Navajo Nation have negotiated terms and conditions for the ROW and TCE and it is our understanding that the document entitled "Terms and Conditions" will be added to this application by the Navajo Nation as exhibits.

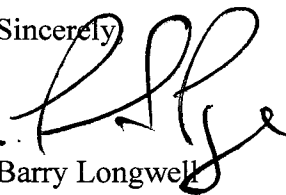
Reclamation requests that all customary fees be waived as allowed by the Omnibus Public Land Management Act of 2009, Title X, Part III (Public Law 111-11).

Also, in order to allow for additional processing by the BIA, Reclamation requests that consent to the grant of this ROW be received on or before August 1, 2017.

Subject: Applications for Consent to a Grant of Right-of-Way (ROW) and Temporary

If you have any questions, please contact Mike Braman at 505-324-5024.

Sincerely,



Barry Longwell
Construction Engineer

ACTING FOR

Enclosure

cc: Ms. Bidth Becker, Executive Director
Navajo Nation Division of Natural Resources
P.O. Box 9000
Window Rock, AZ 86515

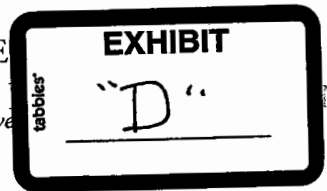
Mr. Ray Benally, Director
Navajo Nation Department of Water Resources
P.O. Box 678
Ft. Defiance, AZ 86504

Mr. Jason John, Branch Director
Navajo Nation Department of Water Resources
Water Management Branch
P.O. Box 678
Ft. Defiance, AZ 86504
(w/o encls to ea)




THE NAVAJO NATION

RUSSELL BE
JONATHAN
Utah Land Office/General Land Development
Post Office Box 410
Montezuma Creek, Utah 84534



MEMORANDUM

To: Ms. Elerina Yazzie, Program Manager
General Land Development Department/DNR

From: 
Belinda Chee, Senior Right-of-Way Agent
Utah Land Office/General Land Development Department/DNR

Date: September 7, 2017

Subject: Field Clearances for Navajo-Gallup Water Supply Project - Reaches 9A for Bureau of Reclamation

Pursuant to the Field Clearance request, the Utah Land Office has completed the below cited Field Clearances with Mr. Larry Tsosie, Grazing Committee Member of Twin Lakes Chapter, seven (7) grazing permittees has consented and four (4) grazing permittees refused to consent. You can see the remarks on the consent form for more information and the reasons why they did not consented. And Mr. Larry Tsosie of Twin Lakes Chapter was assigned to work on this project because Mr. Leonard Becenti, Grazing Committee Member of Naschitti Community Governance opposed this proposed project. Thus, forward this proposed project for further processing and approval. The proposed projects are described below:

Navajo-Gallup Water Supply Project, Right of Way - Parcel No. Reach 9A - Tribal Trust (P), being approximately 71,553.75 feet (13.55 miles) in length, and of varying width of 80 and 150 feet wide, containing 135.18 acres more or less, across, over and through Navajo Tribal Trust Tract No.'s 791-T8153, 791-T8156, and 791-T8179, in the area of the Naschitti and Tohatchi Navajo Tribal Chapters, which are located in San Juan County, and McKinley County, New Mexico. Across the following described Navajo Tribal Trust Lands: Parcel No. RCH 9A-Tribal Trust-01(P), a permanent ROW, being described as a parcel of land crossing Navajo Nation Tribal Trust Land, and lying in Sections 07, 08, 17, 20, 28, 29, and 33 of Township 21, North, Range 17 West, N.M.P.M., San Juan County, New Mexico; and, Sections 04, 09, 16, 21, 28, and 33 of Township 20 North, Range 17 West; and Sections 04 and 09 of Township 19 North, Range 17 West, N.M.P.M., McKinley County, New Mexico.

For any inquiries, call me at (435) 651-3504, fax (435) 651-3506 or email at belchee@frontier.com And if you should have any questions to Bureau of Reclamation you may contact Mr. Barry Longwell, Project Construction Engineer at (505) 324-5001 or email at blongwell@usbr.gov Thank you.

Attachments

cc:
Barry Longwell, Project Construction Engineer/Bureau of Reclamation
Larry Tsosie, GCM of Twin Lakes Chapter/NN
Gregory R. Begay, President/Naschitti Comm. Governance/NN
Akhtar Zaman, Director/Minerals Dept./NN
Shiprock NNEPA/NN
Bertha Spencer/BIA
File, Utah Land Office/GLDD/DNR/NN

COPY

FIELD CLEARANCE CHECKLIST

(This form covers only damages and compensation to individual land users. It does not cover consideration or other fees to the Navajo Nation. If necessary, use the back of this form for completion.)

1. Project Identification:

Applicant: **Bureau of Reclamation, Four Corners Construction Office,
1235 La Plata Highway, Farmington, NM 87401.**

Identification:

Purpose: Navajo-Gallup Water Supply Project, Right of Way - Parcel No. Reach 9A - Tribal Trust (P), being approximately 71,553.75 feet (13.55 miles) in length, and of varying width of 80 and 150 feet wide, containing 135.18 acres more or less, across, over and through Navajo Tribal Trust Tract No.'s 791-T8153, 791-T8156, and 791-T8179, in the area of the Naschitti and Tohatchi Navajo Tribal Chapters, which are located in San Juan County, and McKinley County, New Mexico. Across the following described Navajo Tribal Trust Lands: Parcel No. RCH 9A-Tribal Trust-01(P), a permanent ROW, being described as a parcel of land crossing Navajo Nation Tribal Trust Land, and lying in Sections 07, 08, 17, 20, 28, 29, and 33 of Township 21, North, Range 17 West, N.M.P.M., San Juan County, New Mexico; and, Sections 04, 09, 16, 21, 28, and 33 of Township 20 North, Range 17 West; and Sections 04 and 09 of Township 19 North, Range 17 West, N.M.P.M., McKinley County, New Mexico.

Land status: Trust / Fee / Other

2. List of land use/grazing permittee whose land use rights will be affected project:

<u>Names</u>	<u>Census No.</u>	<u>Type of and Use Right</u>
a. Teresa H. Yazzie	613,911	Grazing Rights
b. Alfred Yazzie	606,483	Grazing Rights
c. Ella E. Becenti	40,107	Grazing Rights
d. Ernest Natonabah	90,987	Grazing Rights
e. Benjamin Henry Jr.	41,363	Grazing Rights
f. Harrison Henry	48,399	Grazing Rights
g. Ross Herbert Jr.	93,038	Grazing Rights

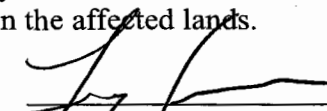
Ch. J & K continued on second page) bc

3. Are all land users in the above list no. 4 with claims to the affected lands shown in the Branch of Land Operations records? Yes No
4. Have the Grazing Committee or Land Board Member (whichever is appropriate) for the affected area confirm the list no. 4 by signing acknowledgement form below.

ACKNOWLEDGEMENT

I acknowledge that due notice was given to the affected community of the proposed project, and according to my records and to the best of my knowledge, the list no. 4 includes all land users who have rights in the affected lands.

9/6/17
Date


Larry Tsosie, Grazing Committee Member
Twin Lakes Chapter

14
District

No. 2 – Continued:

<u>Names</u>	<u>Census No.</u>	<u>Type of and Use Right</u>
a. Fredrick Bitsoi	N/A	Grazing Rights
a. Ruth Deste	N/A	Grazing Rights
a. Christine Bitsoi	N/A	Grazing Rights
a. Gloria Dennison	N/A	Grazing Rights

5. Are any damages expected to individual improvements? Yes No

If yes, contact the Director of Navajo Land Administration because special arrangements will have to be made to compensate for these damages.

If no give full explanations why: **No damages is expected to individual improvement. Surface damage compensation are waived.**

6. List of land users where diminishment in value of land use rights is expected and/or where land use rights is expected to be enhanced as a result of the project. Specify whether or not there is diminishment or enhancement in value of land use rights. Note whether or not land users have consented and which consent forms were used. (If no expected damages, use Consent Form No. 1.)

<u>Names</u>	<u>Expected Diminishment</u>	<u>Expected Enhancement</u>	<u>Did Land Users Consent? Form?</u>
a. Teresa H. Yazzie	None	None	Yes, consent #3
b. Alfred Yazzie	None	None	Yes, consent #3
c. Ella E. Becenti	None	None	Yes, consent #3
d. Ernest Natonabah	None	None	Yes, consent #3
e. Benjamin Henry Jr.	None	None	Yes, consent #3
f. Harrison Henry	None	None	Yes, consent #3
g. Ross Herbert Jr.	None	None	Yes, consent #3
h. Fredrick Bitsoi	None	None	No. Refused to consent.
i. Ruth Deste	None	None	No. Refused to consent.
j. Christine Bitsoi	None	None	No. Refused to consent.
k. Gloria Dennison	None	None	No. Refused to consent.

7. List again the land users from list no. 8 where land use rights value will be diminished as a result of the project. Specify if land users is to receive compensation and the monetary amount in-kind compensation to be received, and use Consent Form No. 2. Indicate whether compensation is be received is adequate for the estimated damages to land use rights. Note whether land users have consented and which consent forms used. (If waiver of compensation for damages, use Consent Form No. 3.)

<u>Names</u>	<u>Compensation Amount</u>	<u>Is Amount Adequate</u>	<u>Did Land Users Consent? Form?</u>
a. Teresa H. Yazzie	Waived	Waived	Yes, consent #3
b. Alfred Yazzie	Waived	Waived	Yes, consent #3
c. Ella E. Becenti	Waived	Waived	Yes, consent #3
d. Ernest Natonabah	Waived	Waived	Yes, consent #3
e. Benjamin Henry Jr.	Waived	Waived	Yes, consent #3
f. Harrison Henry	Waived	Waived	Yes, consent #3
g. Ross Herbert Jr.	Waived	Waived	Yes, consent #3
h. Fredrick Bitsoi	Waived	Waived	No. Refused to consent.
i. Ruth Desteá	Waived	Waived	No. Refused to consent.
j. Christine Bitsoi	Waived	Waived	No. Refused to consent.
k. Gloria Dennison	Waived	Waived	No. Refused to consent.

8. How, when and by whom will land users be paid compensation? If any, is it specified in list no. 9 above?

Surface damages compensation will be waived.

9. Is a topographical map of the project attached? Yes No
10. Was the project fully explained to the land users? Yes No
11. Which chapter will be affected by the project? Naschitti Community Governance
12. Are supporting chapter resolution attached? Yes No
13. Will chapter receive any payments or benefits from the project?
- Yes No If yes, what will be received?

Approved by:

Field Clearance Conducted by:

General Land Development Department
(GLDD)

UTAH LAND OFFICE/GLDD


Belinda Chee, Senior Right of Way Agent

(GLDD approval necessary only if the
Field Clearance was conducted by
other than GLDD Office)

Date: September 7, 2017

CONSENT FORM 3 (Waiver of Compensation for damages)

CONSENT TO USE
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN:

I, Teresa Henry Yazzie, hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs, Window Rock, Arizona, to permit:

Bureau of Reclamation, Four Corners Construction Office, 1235 La Plata Highway, Farmington, NM 87401.

To use a portion of my land use area for the following purpose(s):

Navajo-Gallup Water Supply Project, Right of Way - Parcel No. Reach 9A - Tribal Trust (P), being approximately 71,553.75 feet (13.55 miles) in length, and of varying width of 80 feet and 150 feet wide, containing 135.18 acres more or less, across, over and through Navajo Tribal Trust Tract No.'s 791-T8153, 791-T8156, and 791-T8179, in the area of the Naschitti and Tohatchi Navajo Tribal Chapters, which are located in San Juan County, and McKinley County, New Mexico. Across the following described Navajo Tribal Trust Lands: Parcel No. RCH 9A-Tribal Trust-01(P), a Permanent Right of Way, being described as a parcel of land crossing Navajo Nation Tribal Trust Land, and lying in Sections 07, 08, 17, 20, 28, 29, and 33 of Township 21, North, Range 17 West, N.M.P.M., San Juan County, New Mexico, and Sections 04, 09, 16, 21, 28, and 33 of Township 20 North, Range 17 West, and Sections 04 and 09 of Township 19 North, Range 17 West, N.M.P.M., McKinley County, New Mexico.

As shown on the map showing the location of the proposed project attached.

I hereby waive any rights I may have to compensation for the diminishment in value of my land use rights as a result of the above-referenced project as proposed.

Remarks:

07-12-17
Date
X [Signature]
Land User Signature / Thumbprint
Teresa H. Yazzie
Census No. 61394
Permit No. 14-0389
Address: P.O. Box 3577, Gallup NM 87305
Phone No. (505) 240-2672 51150-3
Teresa H. Henry (Mother)

Witness:

9/6/17
Date

[Signature]
~~XXXXXXXXXXXX~~ Grazing Committee Member
~~XXXXXXXXXXXX~~

District No. 14


Larry Tsosie, Grazing Committee Member of Twin Lakes Chapter
ACKNOWLEDGEMENT OF FIELD AGENT

I acknowledge that the consents of this consent form was read ☒ or fully explained ☒ to the land user in Navajo ☒ or English ☒ (Check where applicable)

[Signature]
Field Agent Signature
Belinda Chee, Senior Right of Way Agent

CONSENT TO USE NAVAJO TRIBAL LANDS

I, ALFRED HENRY, hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs, Window Rock, Arizona, to permit:


Field Agent Signature
Belinda Chee, Senior Right of Way Agent

CONSENT FORM 3 (Waiver of Compensation for damages)

CONSENT TO USE
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN:

I, Ella E. Becenti, hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs, Window Rock, Arizona, to permit:

Bureau of Reclamation, Four Corners Construction Office, 1235 La Plata Highway, Farmington, NM 87401.

To use a portion of my land use area for the following purpose(s):

Navajo-Gallup Water Supply Project, Right of Way - Parcel No. Reach 9A - Tribal Trust (P), being approximately 71,553.75 feet (13.55 miles) in length, and of varying width of 80 feet and 150 feet wide, containing 135.18 acres more or less, across, over and through Navajo Tribal Trust Tract No.'s 791-T8153, 791-T8156, and 791-T8179, in the area of the Naschitti and Tohatchi Navajo Tribal Chapters, which are located in San Juan County, and McKinley County, New Mexico. Across the following described Navajo Tribal Trust Lands: Parcel No. RCH 9A-Tribal Trust-01(P), a Permanent Right of Way, being described as a parcel of land crossing Navajo Nation Tribal Trust Land, and lying in Sections 07, 08, 17, 20, 28, 29, and 33 of Township 21, North, Range 17 West, N.M.P.M., San Juan County, New Mexico, and, Sections 04, 09, 16, 21, 28, and 33 of Township 20 North, Range 17 West, and Sections 04 and 09 of Township 19 North, Range 17 West, N.M.P.M., McKinley County, New Mexico.

As shown on the map showing the location of the proposed project attached.

I hereby waive any rights I may have to compensation for the diminishment in value of my land use rights as a result of the above-referenced project as proposed.

Remarks:

7-28-17 Date
X Ella E. Becenti Land User Signature / Thumbprint
Ella E. Becenti Address: Box 1342 Tohatchi, N.M.
Phone No. 505-713-9898 Census No. 40107
Permit No. 14-18-92 SM-11
87325

Witness:

9/6/17
Date

[Signature]
~~XXXXXXXXXXXX~~ Grazing Committee Member
~~Naschitti Community Governance~~

District No. 14

Larry Tsosie, Grazing Committee Member of Twin Lakes Chapter

ACKNOWLEDGEMENT OF FIELD AGENT

I acknowledge that the consents of this consent form was read / ☒ or fully explained / ☒ to the land user in Navajo / ☒ or English / ☒ (Check where applicable)

[Signature]
Field Agent Signature
Belinda Chee, Senior Right of Way Agent

CONSENT FORM 3 (Waiver of Compensation for damages)

CONSENT TO USE
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN:

I, Ernest Natonabah, hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs, Window Rock, Arizona, to permit:

Bureau of Reclamation, Four Corners Construction Office, 1235 La Plata Highway, Farmington, NM 87401.

To use a portion of my land use area for the following purpose(s):

Navajo-Gallup Water Supply Project, Right of Way - Parcel No. Reach 9A - Tribal Trust (P), being approximately 71,553.75 feet (13.55 miles) in length, and of varying width of 80 feet and 150 feet wide, containing 135.18 acres more or less, across, over and through Navajo Tribal Trust Tract No.'s 791-T8153, 791-T8156, and 791-T8179, in the area of the Naschitti and Tohatchi Navajo Tribal Chapters, which are located in San Juan County, and McKinley County, New Mexico. Across the following described Navajo Tribal Trust Lands: Parcel No. RCH 9A-Tribal Trust-01(P), a Permanent Right of Way, being described as a parcel of land crossing Navajo Nation Tribal Trust Land, and lying in Sections 07, 08, 17, 20, 28, 29, and 33 of Township 21, North, Range 17 West, N.M.P.M., San Juan County, New Mexico, and Sections 04, 09, 16, 21, 28, and 33 of Township 20 North, Range 17 West, and Sections 04 and 09 of Township 19 North, Range 17 West, N.M.P.M., McKinley County, New Mexico.

As shown on the map showing the location of the proposed project attached.

I hereby waive any rights I may have to compensation for the diminishment in value of my land use rights as a result of the above-referenced project as proposed.

Remarks:

8-1-17 Date
X [Signature] Land User Signature / Thumbprint
Ernest Natonabah Address: 3 Rd 6197 NUBA 20A Kintland, NM
Phone No. 1-505-598-6473 87417

Census No. 90987
Permit No. 14-1295

Witness:

9/6/17 Date
[Signature] ~~LARRY TSOOSIE~~ Grazing Committee Member
~~NAVAJO NATION GOVERNOR~~
Larry Tsosie, Grazing Committee Memeber of Twin Lakes Chapter
ACKNOWLEDGEMENT OF FIELD AGENT

District No. 14

I acknowledge that the consents of this consent form was read ☒ or fully explained ☒ to the land user in Navajo / ☒ or English ☒ (Check where applicable)

[Signature]
Field Agent Signature
Belinda Chee, Senior Right of Way Agent

CONSENT FORM 3 (Waiver of Compensation for damages)

CONSENT TO USE
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN:

I, Benjamin Henry Jr. hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs, Window Rock, Arizona, to permit:

Bureau of Reclamation, Four Corners Construction Office, 1235 La Plata Highway, Farmington, NM 87401.

To use a portion of my land use area for the following purpose(s):

Navajo-Gallup Water Supply Project, Right of Way - Parcel No. Reach 9A - Tribal Trust (P), being approximately 71,553.75 feet (13.55 miles) in length, and of varying width of 80 feet and 150 feet wide, containing 135.18 acres more or less, across, over and through Navajo Tribal Trust Tract No.'s 791-T8153, 791-T8156, and 791-T8179, in the area of the Naschitti and Tohatchi Navajo Tribal Chapters, which are located in San Juan County, and McKinley County, New Mexico. Across the following described Navajo Tribal Trust Lands: Parcel No. RCH 9A-Tribal Trust-01(P), a Permanent Right of Way, being described as a parcel of land crossing Navajo Nation Tribal Trust Land, and lying in Sections 07, 08, 17, 20, 28, 29, and 33 of Township 21, North, Range 17 West, N.M.P.M., San Juan County, New Mexico, and, Sections 04, 09, 16, 21, 28, and 33 of Township 20 North, Range 17 West, and Sections 04 and 09 of Township 19 North, Range 17 West, N.M.P.M., McKinley County, New Mexico.

As shown on the map showing the location of the proposed project attached.

I hereby waive any rights I may have to compensation for the diminishment in value of my land use rights as a result of the above-referenced project as proposed.

Remarks:

08-05-17
Date

Benjamin Henry Jr.
Land User Signature / Thumbprint
Benjamin Henry Jr. Address: Box 1414

Census No. 41,363
Permit No. 14-30-92
Phone No. Sheepsprings, N.M. 87364

Witness:

9/6/17
Date

Larry Tsosie
~~Navajo Tribal Trust~~, Grazing Committee Member
~~Naschitti Community Chapter~~
Larry Tsosie, Grazing Committee Memeber of Twin Lakes Chapter
ACKNOWLEDGEMENT OF FIELD AGENT

District No. 14

I acknowledge that the consents of this consent form was read ☒ or fully explained ☒ to the land user in Navajo ☒ or English ☒ (Check where applicable)

Belinda Chee
Field Agent Signature
Belinda Chee, Senior Right of Way Agent

CONSENT TO USE NAVAJO TRIBAL LANDS

Field Agent Signature
Belinda Chee, Senior Right of Way Agent

CONSENT FORM 3 (Waiver of Compensation for damages)

CONSENT TO USE
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN:

I, Ross Herbert, Jr., hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs, Window Rock, Arizona, to permit:

Bureau of Reclamation, Four Corners Construction Office, 1235 La Plata Highway, Farmington, NM 87401.

To use a portion of my land use area for the following purpose(s):

Navajo-Gallup Water Supply Project, Right of Way - Parcel No. Reach 9A - Tribal Trust (P), being approximately 71,553.75 feet (13.55 miles) in length, and of varying width of 80 feet and 150 feet wide, containing 135.18 acres more or less, across, over and through Navajo Tribal Trust Tract No.'s 791-T8153, 791-T8156, and 791-T8179, in the area of the Naschitti and Tohatchi Navajo Tribal Chapters, which are located in San Juan County, and McKinley County, New Mexico. Across the following described Navajo Tribal Trust Lands: Parcel No. RCH 9A-Tribal Trust-01(P), a Permanent Right of Way, being described as a parcel of land crossing Navajo Nation Tribal Trust Land, and lying in Sections 07, 08, 17, 20, 28, 29, and 33 of Township 21, North, Range 17 West, N.M.P.M., San Juan County, New Mexico, and, Sections 04, 09, 16, 21, 28, and 33 of Township 20 North, Range 17 West, and Sections 04 and 09 of Township 19 North, Range 17 West, N.M.P.M., McKinley County, New Mexico.

As shown on the map showing the location of the proposed project attached.

I hereby waive any rights I may have to compensation for the diminishment in value of my land use rights as a result of the above-referenced project as proposed.

Remarks:

7/26/17
Date

X Ross Herbert, Jr.
Land User Signature / Thumbprint

Census No. 93038

Permit No. 14-17-24

Ross Herbert, Jr. Address: P.O. Box 351, Tohatchi, NM

Phone No. (505) 236-0991

87325

Witness: _____

9/6/17
Date

Larry Tsosie
Grazing Committee Member

District No. 14

~~NAJICHIE COMMUNITY CHAIRMAN~~

Larry Tsosie, Grazing Committee Member of Twin Lakes
ACKNOWLEDGEMENT OF FIELD AGENT

I acknowledge that the contents of this consent form was read / ☒ or fully explained / ☒ to the land user in Navajo / ☒ or English / ☒ (Check where applicable)

Belinda Chee
Field Agent Signature
Belinda Chee, Senior Right of Way Agent

CONSENT FORM 3 (Waiver of Compensation for damages)

CONSENT TO USE
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN:

I, Fredrick Bitsoi, hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs, Window Rock, Arizona, to permit:

Bureau of Reclamation, Four Corners Construction Office, 1235 La Plata Highway, Farmington, NM 87401.

To use a portion of my land use area for the following purpose(s):

Navajo-Gallup Water Supply Project, Right of Way - Parcel No. Reach 9A - Tribal Trust (P), being approximately 71,553.75 feet (13.55 miles) in length, and of varying width of 80 feet and 150 feet wide, containing 135.18 acres more or less, across, over and through Navajo Tribal Trust Tract No.'s 791-T8153, 791-T8156, and 791-T8179, in the area of the Naschitti and Tohatchi Navajo Tribal Chapters, which are located in San Juan County, and McKinley County, New Mexico. Across the following described Navajo Tribal Trust Lands: Parcel No. RCH 9A-Tribal Trust-01(P), a Permanent Right of Way, being described as a parcel of land crossing Navajo Nation Tribal Trust Land, and lying in Sections 07, 08, 17, 20, 28, 29, and 33 of Township 21, North, Range 17 West, N.M.P.M., San Juan County, New Mexico, and Sections 04, 09, 16, 21, 28, and 33 of Township 20 North, Range 17 West, and Sections 04 and 09 of Township 19 North, Range 17 West, N.M.P.M., McKinley County, New Mexico.

As shown on the map showing the location of the proposed project attached.

I hereby waive any rights I may have to compensation for the diminishment in value of my land use rights as a result of the above-referenced project as proposed. *I visited him twice.*

Remarks: *This permittee refused to consent, he wants someone from BIA to come to his house. He also has 3 home site lease planned for this area. He is Navajo policeman. bc.*

Date _____ Land User Signature / Thumbprint _____ Census No. 12-00-1970
Permit No. 14-50-95
Address: PO Box 33, Tohatchi, NM 87325
Phone No. (505) 842-3345

Witness: _____

9/6/17
Date

[Signature]
~~Edward Becenti~~, Grazing Committee Member
~~Naschitti Community Governance~~

District No. 14

ACKNOWLEDGEMENT OF FIELD AGENT

I acknowledge that the consents of this consent form was read ☒ or fully explained ☒ to the land user in Navajo / ☒ or English / ☒ (Check where applicable)

Belinda Chee
Field Agent Signature
Belinda Chee, Senior Right of Way Agent

CONSENT FORM 3 (Waiver of Compensation for damages)

CONSENT TO USE
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN:

I, Ruth Aeste, hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs, Window Rock, Arizona, to permit:

Bureau of Reclamation, Four Corners Construction Office, 1235 La Plata Highway, Farmington, NM 87401.

To use a portion of my land use area for the following purpose(s):

Navajo-Gallup Water Supply Project, Right of Way - Parcel No. Reach 9A - Tribal Trust (P), being approximately 71,553.75 feet (13.55 miles) in length, and of varying width of 80 feet and 150 feet wide, containing 135.18 acres more or less, across, over and through Navajo Tribal Trust Tract No.'s 791-T8153, 791-T8156, and 791-T8179, in the area of the Naschitti and Tohatchi Navajo Tribal Chapters, which are located in San Juan County, and McKinley County, New Mexico. Across the following described Navajo Tribal Trust Lands: Parcel No. RCH 9A-Tribal Trust-01(P), a Permanent Right of Way, being described as a parcel of land crossing Navajo Nation Tribal Trust Land, and lying in Sections 07, 08, 17, 20, 28, 29, and 33 of Township 21, North, Range 17 West, N.M.P.M., San Juan County, New Mexico, and Sections 04, 09, 16, 21, 28, and 33 of Township 20 North, Range 17 West, and Sections 04 and 09 of Township 19 North, Range 17 West, N.M.P.M., McKinley County, New Mexico.

As shown on the map showing the location of the proposed project attached.

I hereby waive any rights I may have to compensation for the diminishment in value of my land use rights as a result of the above-referenced project as proposed. *I visited her several times. I left messages on her door to call, but no response from her. Her brother said she works and comes home until in the evening. bc.*

Remarks:

Census No. 01122000
Permit No. 14-12-08

Date

Land User Signature / Thumbprint

Address:

Phone No.

Witness:

9/6/17

Date

Leonard Becenti
Leonard Becenti, Grazing Committee Member
~~Naschitti Community Governance~~

District No. 14

ACKNOWLEDGEMENT OF FIELD AGENT

I acknowledge that the consents of this consent form was read / / or fully explained / / to the land user in Navajo / / or English / ☒ (Check where applicable)

Belinda Chee
Field Agent Signature
Belinda Chee, Senior Right of Way Agent

CONSENT FORM 3 (Waiver of Compensation for damages)

CONSENT TO USE
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN:

I, Christine L. Bitsot, hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs, Window Rock, Arizona, to permit:

Bureau of Reclamation, Four Corners Construction Office, 1235 La Plata Highway, Farmington, NM 87401.

To use a portion of my land use area for the following purpose(s):

Navajo-Gallup Water Supply Project, Right of Way - Parcel No. Reach 9A - Tribal Trust (P), being approximately 71,553.75 feet (13.55 miles) in length, and of varying width of 80 feet and 150 feet wide, containing 135.18 acres more or less, across, over and through Navajo Tribal Trust Tract No.'s 791-T8153, 791-T8156, and 791-T8179, in the area of the Naschitti and Tohatchi Navajo Tribal Chapters, which are located in San Juan County, and McKinley County, New Mexico. Across the following described Navajo Tribal Trust Lands: Parcel No. RCH 9A-Tribal Trust-01(P), a Permanent Right of Way, being described as a parcel of land crossing Navajo Nation Tribal Trust Land, and lying in Sections 07, 08, 17, 20, 28, 29, and 33 of Township 21, North, Range 17 West, N.M.P.M., San Juan County, New Mexico, and Sections 04, 09, 16, 21, 28, and 33 of Township 20 North, Range 17 West, and Sections 04 and 09 of Township 19 North, Range 17 West, N.M.P.M., McKinley County, New Mexico.

As shown on the map showing the location of the proposed project attached.

I hereby waive any rights I may have to compensation for the diminishment in value of my land use rights as a result of the above-referenced project as proposed.

Remarks: I made several attempts to talk to her but refused to talk. She refused to consent until her sister agrees to the water pipeline.

_____ X _____ Census No. _____
Date Land User Signature / Thumbprint Permit No. 14-48-95
Address: _____
Phone No. _____

Witness: _____
9/6/17 _____
Date Leonard Becenti, Grazing Committee Member
Naschitti Community Governance

District No. 14

ACKNOWLEDGEMENT OF FIELD AGENT

I acknowledge that the consents of this consent form was read / / or fully explained / / to the land user in Navajo / ☒ or English / ☒ (Check where applicable)

Belinda Chee
Field Agent Signature
Belinda Chee, Senior Right of Way Agent

CONSENT FORM 3 (Waiver of Compensation for damages)

CONSENT TO USE
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN:

I, Gloria Ann Dennis, hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs, Window Rock, Arizona, to permit:

Bureau of Reclamation, Four Corners Construction Office, 1235 La Plata Highway, Farmington, NM 87401.

To use a portion of my land use area for the following purpose(s):

Navajo-Gallup Water Supply Project, Right of Way - Parcel No. Reach 9A - Tribal Trust (P), being approximately 71,553.75 feet (13.55 miles) in length, and of varying width of 80 feet and 150 feet wide, containing 135.18 acres more or less, across, over and through Navajo Tribal Trust Tract No.'s 791-T8153, 791-T8156, and 791-T8179, in the area of the Naschitti and Tohatchi Navajo Tribal Chapters, which are located in San Juan County, and McKinley County, New Mexico. Across the following described Navajo Tribal Trust Lands: Parcel No. RCH 9A-Tribal Trust-01(P), a Permanent Right of Way, being described as a parcel of land crossing Navajo Nation Tribal Trust Land, and lying in Sections 07, 08, 17, 20, 28, 29, and 33 of Township 21, North, Range 17 West, N.M.P.M., San Juan County, New Mexico, and Sections 04, 09, 16, 21, 28, and 33 of Township 20 North, Range 17 West, and Sections 04 and 09 of Township 19 North, Range 17 West, N.M.P.M., McKinley County, New Mexico.

As shown on the map showing the location of the proposed project attached.

I hereby waive any rights I may have to compensation for the diminishment in value of my land use rights as a result of the above-referenced project as proposed.

Remarks: I left a message on her door. She replied that "She & her family are opposing this water pipeline, she refused to consent. Don't try to come to my house anymore." bc.

Date _____ Land User Signature / Thumbprint _____ Census No. _____
Permit No. KL-03-91
Address: _____
Phone No. _____

Witness: _____

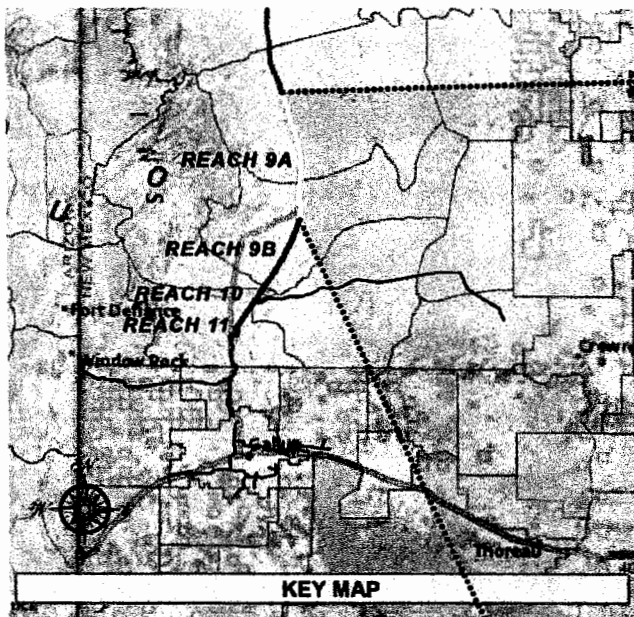
9/6/17
Date _____
Leonard Becenti, Grazing Committee Member
Naschitti Community Governance

District No. 14

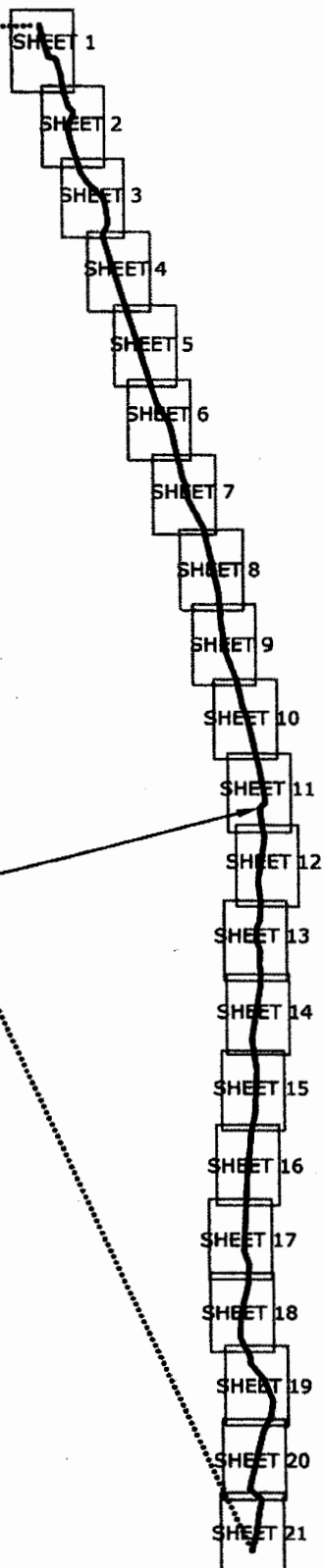
ACKNOWLEDGEMENT OF FIELD AGENT

I acknowledge that the consents of this consent form was read / / or fully explained / / to the land user in Navajo / / or English / (Check where applicable)

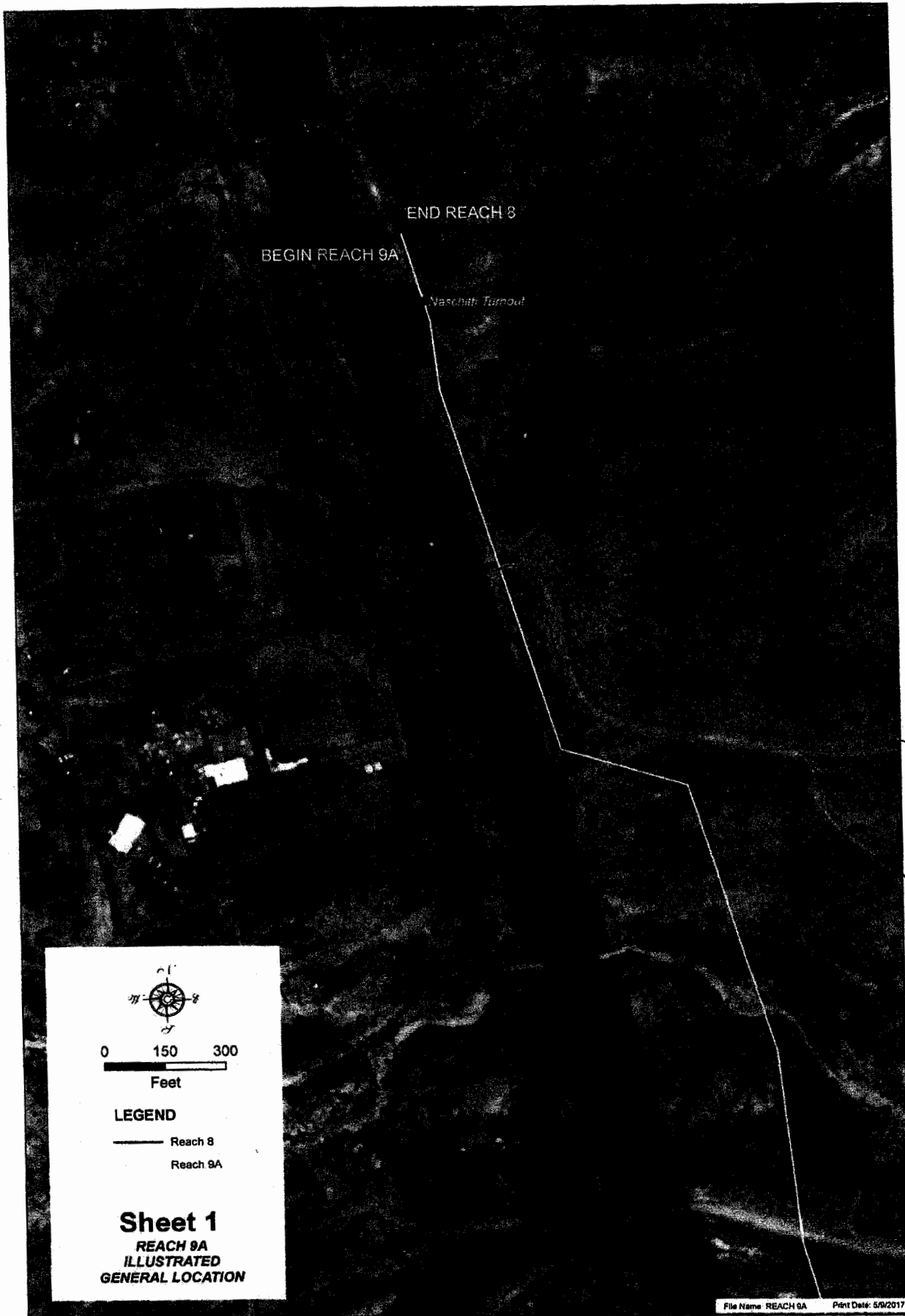
Belinda Chee
Field Agent Signature
Belinda Chee, Senior Right of Way Agent



Centerline Reach 9A



REACH 9A
ILLUSTRATED LOCATIONS
SHEET INDEX



END REACH 8

BEGIN REACH 9A

Naschitti Turnout

Ruth
DeSta



0 150 300
Feet

LEGEND

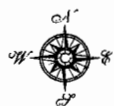
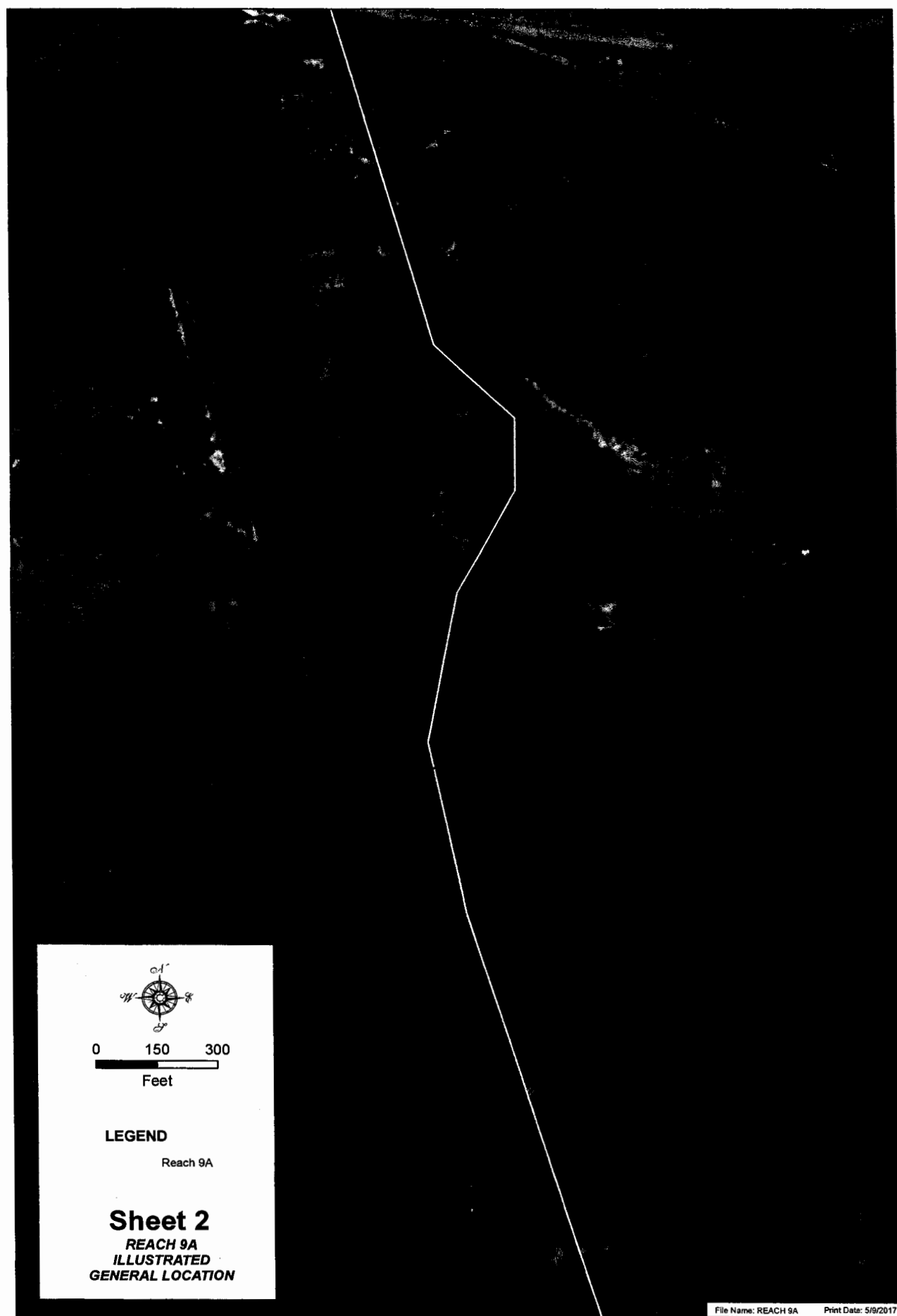
— Reach 8
— Reach 9A

Sheet 1
REACH 9A
ILLUSTRATED
GENERAL LOCATION

Edward
Deal +

Benjamin
Henry +
Hazel
Henry +
Ann
Harrison
Henry

Elmer
Excerpt
+ Ross
Herbert +

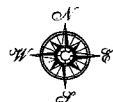
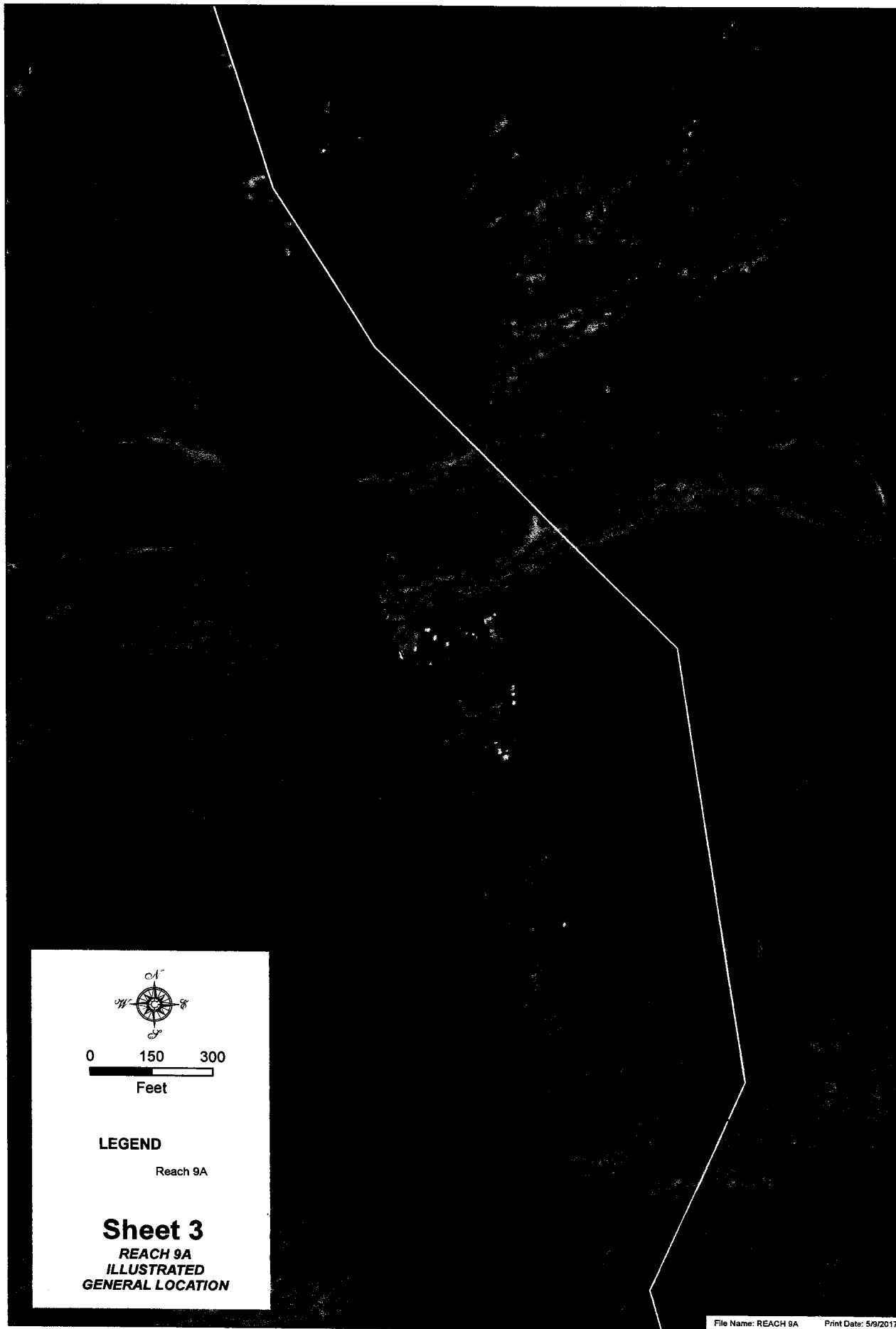


0 150 300
Feet

LEGEND

Reach 9A

Sheet 2
REACH 9A
ILLUSTRATED
GENERAL LOCATION



0 150 300
Feet

LEGEND

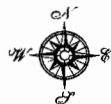
Reach 9A

Sheet 3
REACH 9A
ILLUSTRATED
GENERAL LOCATION

Arlene Henry

Handwritten notes:
Betsy
Notan

Handwritten notes:
Bluegray
2 story
house



0 150 300
Feet

LEGEND

Reach 9A

Sheet 4
REACH 9A
ILLUSTRATED
GENERAL LOCATION

0 150 300
Feet

LEGEND

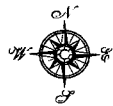
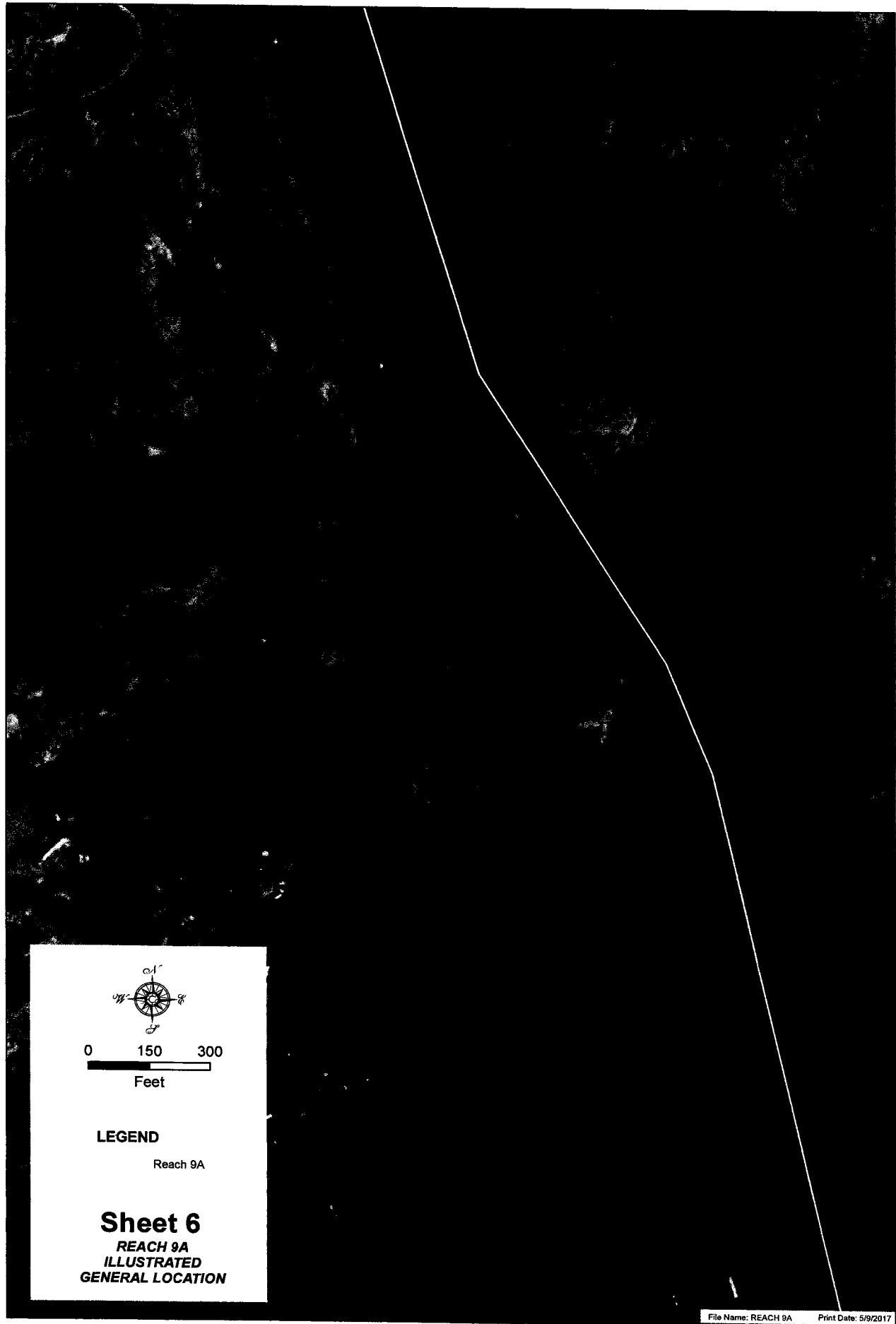
Reach 9A

Sheet 5
REACH 9A
ILLUSTRATED
GENERAL LOCATION

Frederick
Bison

Christine
Alphonso
Wilhelmina
Fulene

400
Bison

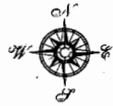
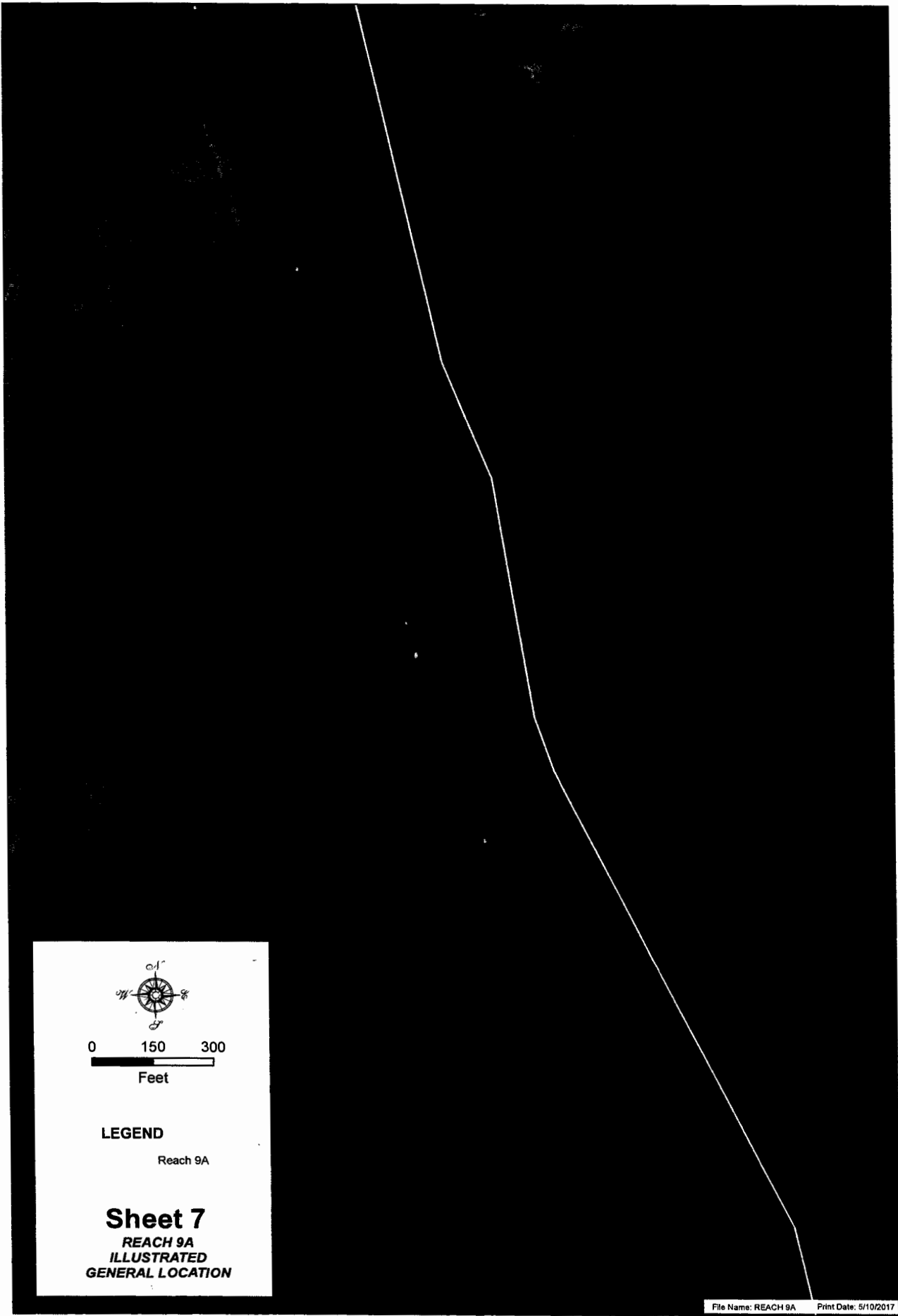


0 150 300
Feet

LEGEND

Reach 9A

Sheet 6
REACH 9A
ILLUSTRATED
GENERAL LOCATION

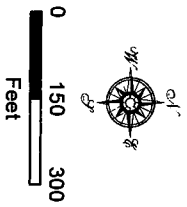


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Feet

LEGEND

Reach 9A

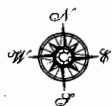
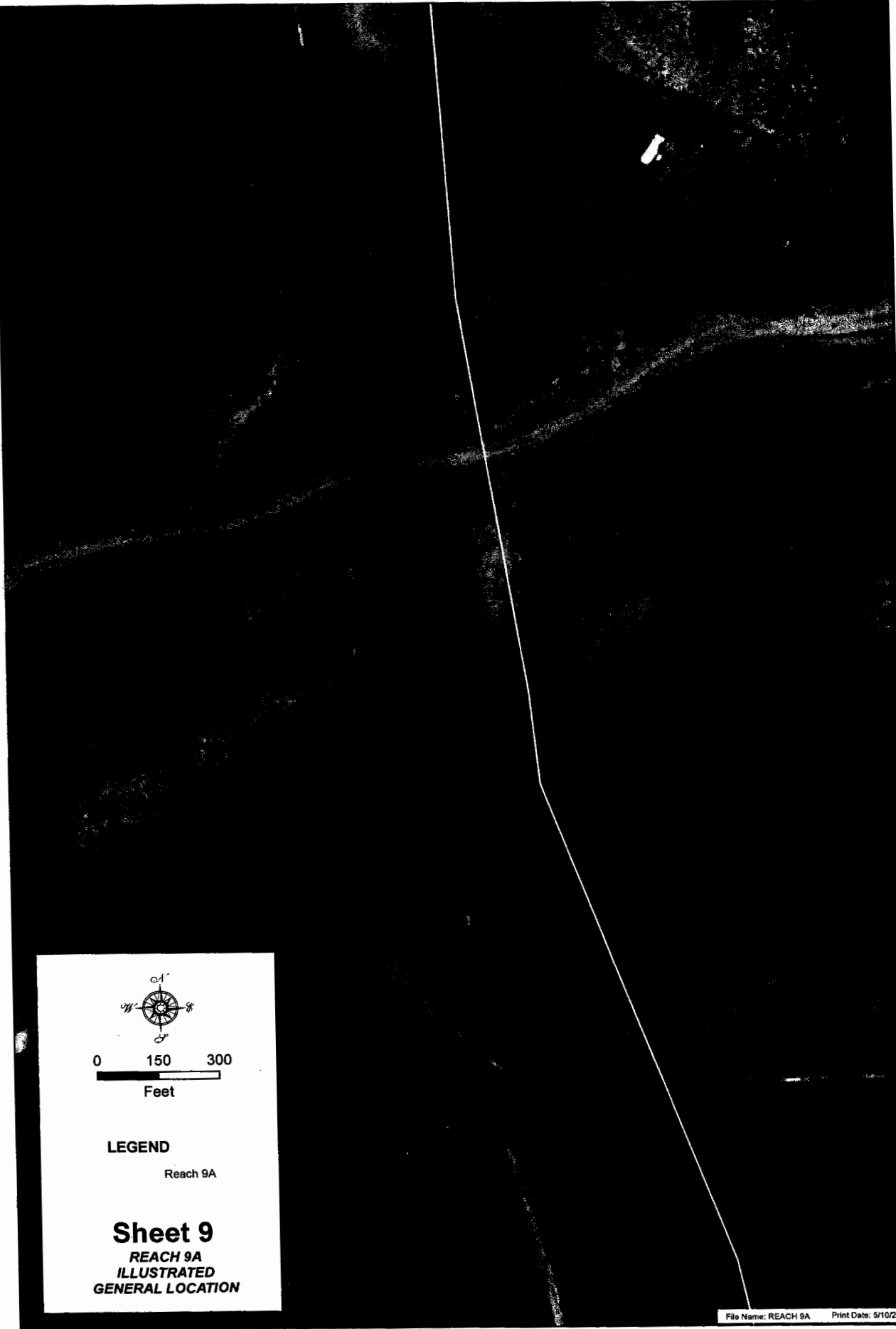
Sheet 7
REACH 9A
ILLUSTRATED
GENERAL LOCATION



LEGEND

Reach 9A

Sheet 8
REACH 9A
ILLUSTRATED
GENERAL LOCATION



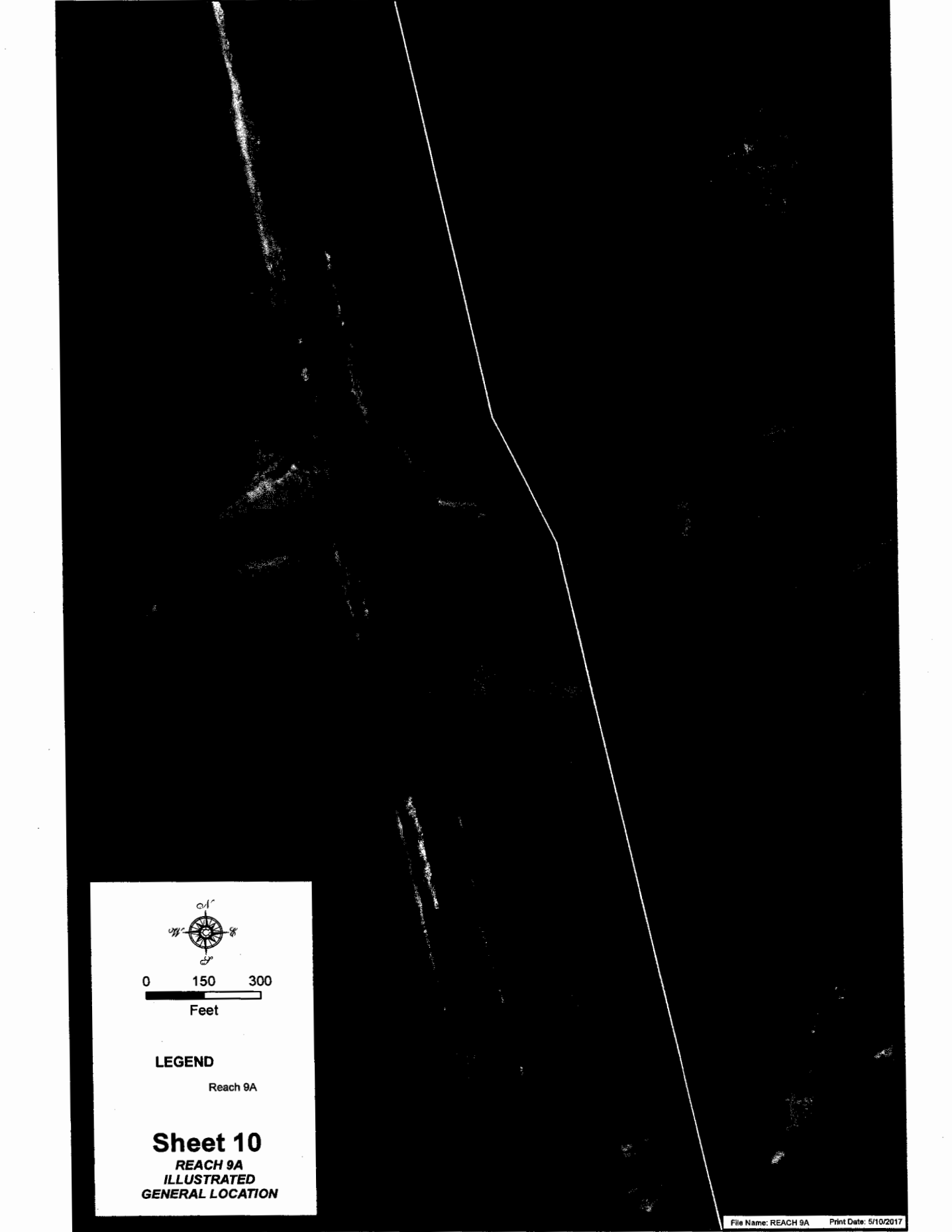
0 150 300
Feet

LEGEND

Reach 9A

Sheet 9

REACH 9A
ILLUSTRATED
GENERAL LOCATION

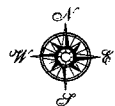


0 150 300
Feet

LEGEND

Reach 9A

Sheet 10
REACH 9A
ILLUSTRATED
GENERAL LOCATION

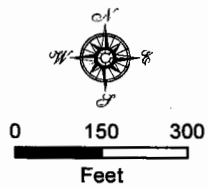
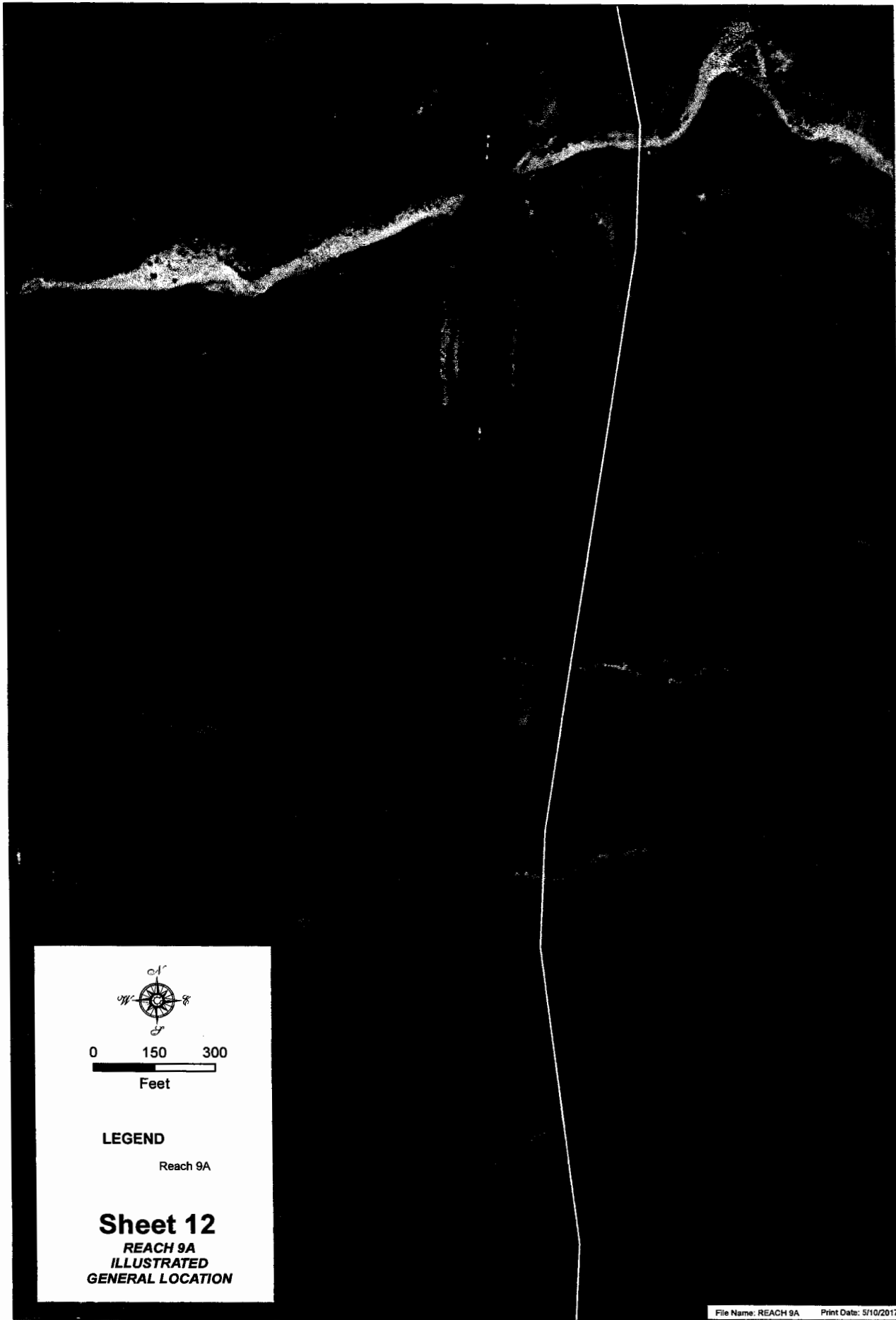


0 150 300
Feet

LEGEND

Reach 9A

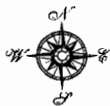
Sheet 11
REACH 9A
ILLUSTRATED
GENERAL LOCATION



LEGEND

Reach 9A

Sheet 12
REACH 9A
ILLUSTRATED
GENERAL LOCATION

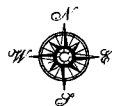


0 150 300
Feet

LEGEND

Reach 9A

Sheet 13
REACH 9A
ILLUSTRATED
GENERAL LOCATION

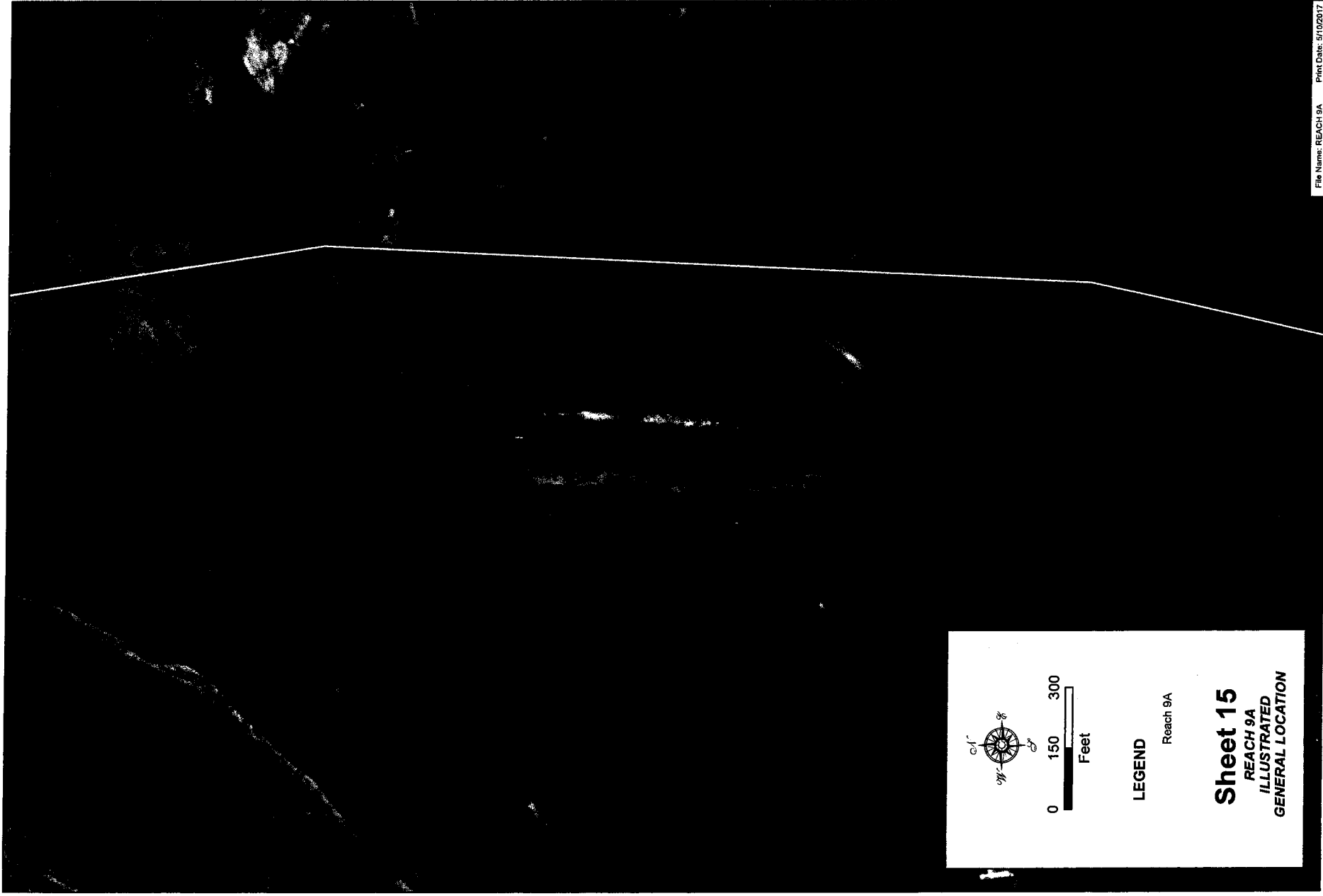


0 150 300
Feet

LEGEND

Reach 9A

Sheet 14
REACH 9A
ILLUSTRATED
GENERAL LOCATION



0 150 300
Feet

LEGEND

Reach 9A

Sheet 15
REACH 9A
ILLUSTRATED
GENERAL LOCATION

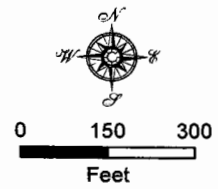
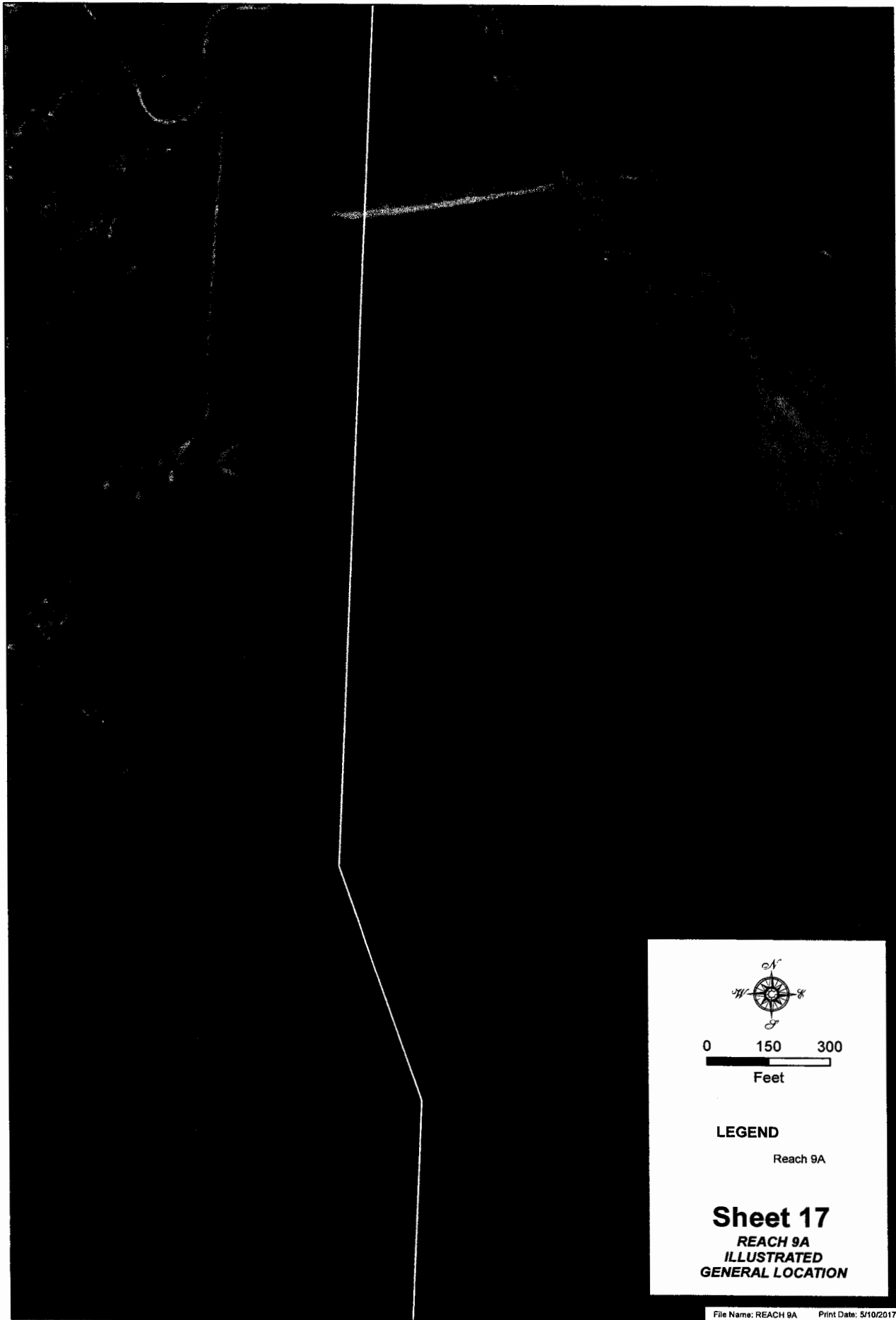


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Feet

LEGEND

Reach 9A

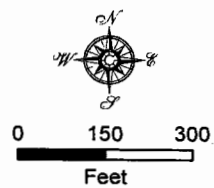
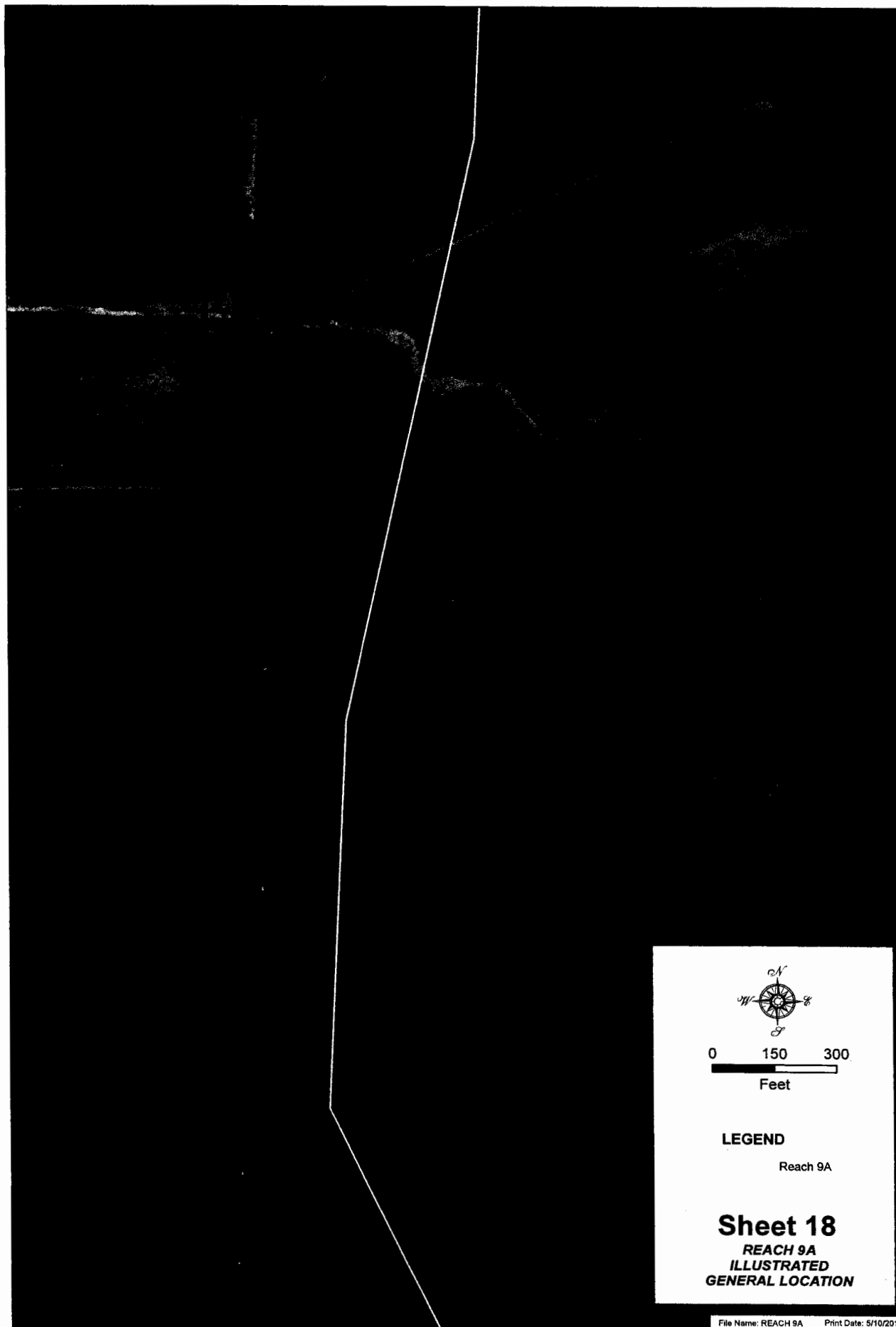
Sheet 16
REACH 9A
ILLUSTRATED
GENERAL LOCATION



LEGEND

Reach 9A

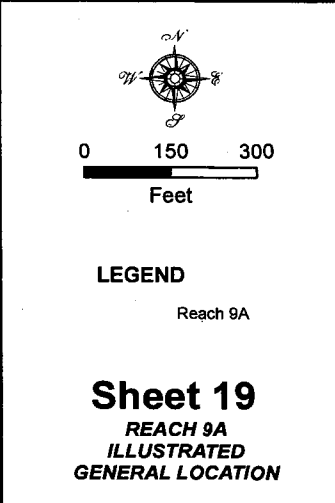
Sheet 17
REACH 9A
ILLUSTRATED
GENERAL LOCATION



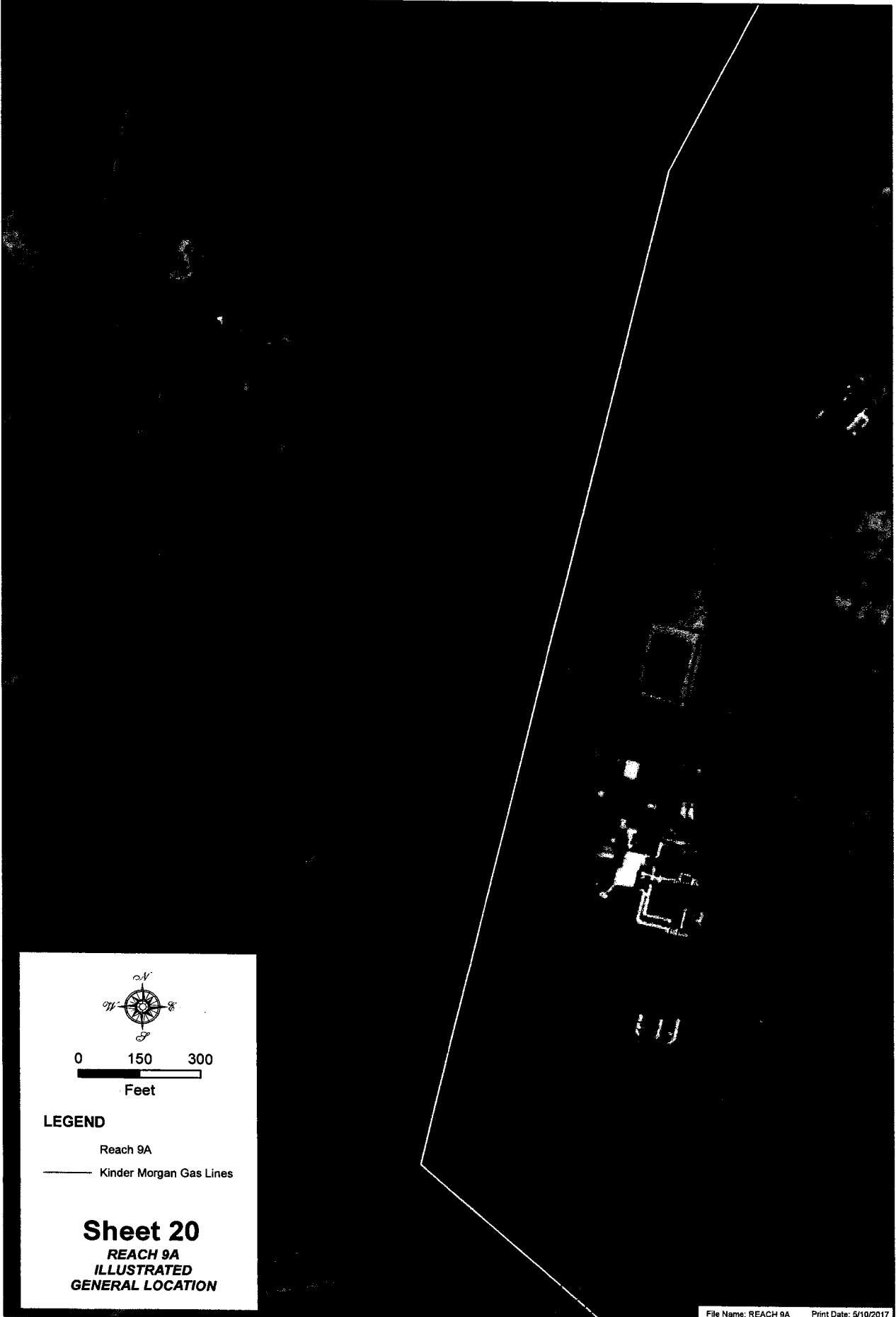
LEGEND

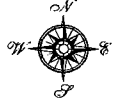
Reach 9A

Sheet 18
REACH 9A
ILLUSTRATED
GENERAL LOCATION



File Name: REACH 9A Print Date: 5/10/2017





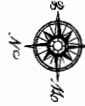
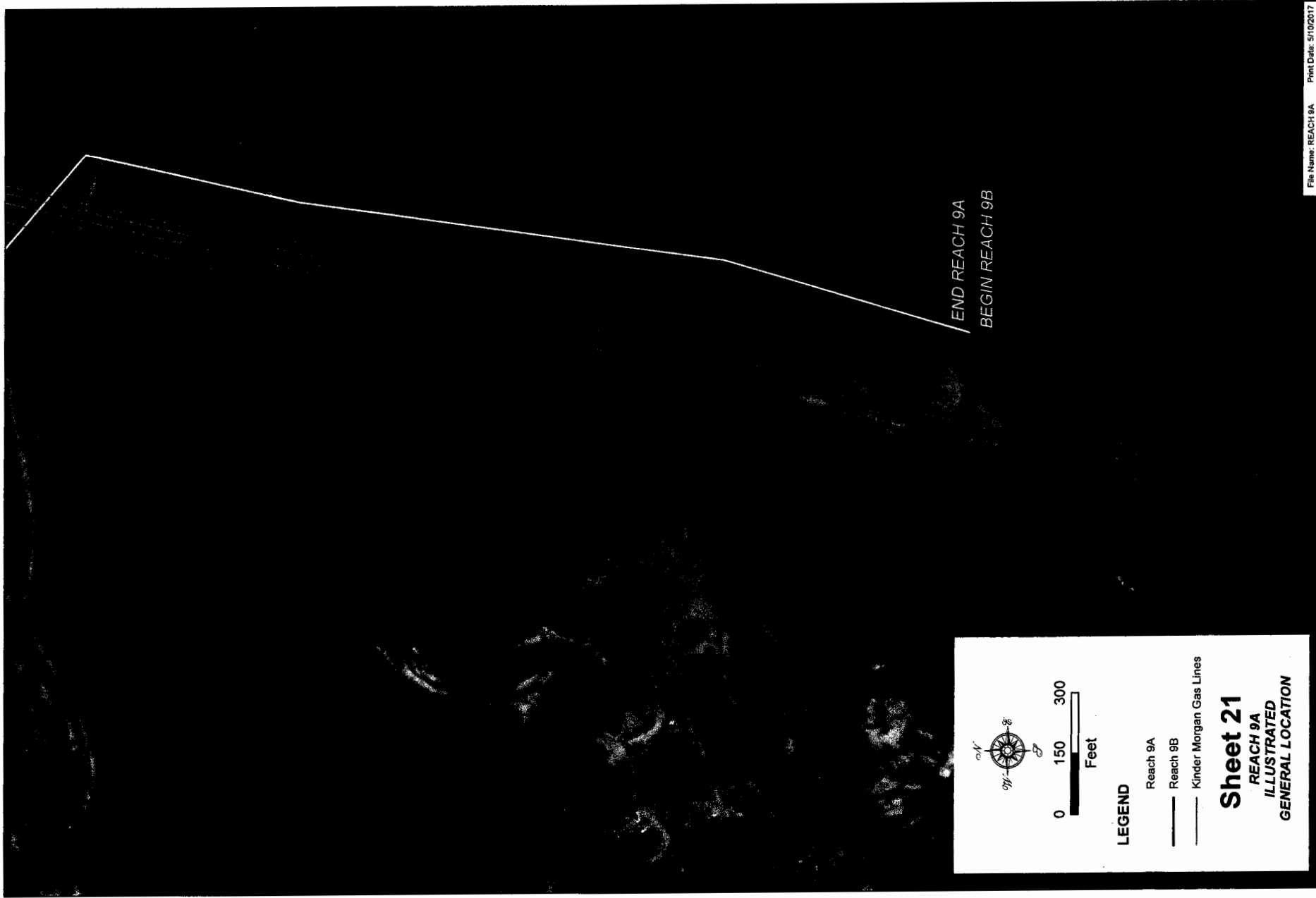
0 150 300
Feet

LEGEND

Reach 9A

— Kinder Morgan Gas Lines

Sheet 20
REACH 9A
ILLUSTRATED
GENERAL LOCATION



LEGEND

- Reach 9A
- Reach 9B
- Kinder Morgan Gas Lines

Sheet 21
REACH 9A
ILLUSTRATED
GENERAL LOCATION

Naschitti Community Governance

PO Drawer D, Sheepsprings, New Mexico 87364
Phone: 505-732-5400/5402 Fax: 505-732-5406



NAS-17-11-011

RESOLUTION OF NASCHITTI COMMUNITY GOVERNANCE

SUPPORTING NAVAJO GALLUP WATER SUPPLY PROJECT.

WHEREAS:

1. Pursuant to N.N. C. Title 26 Chapter 1, Section 3 (A), section 1 (B) (1) and Section 1 (B) (2) under the Local Government Act, Naschitti Community Governance is a certified local governmental entity of the Navajo Nation and is vested with the authority to address local concerns and the authority to make decisions with responsibility and accountability; and
2. Public Law 111-11, Section 10601, authorized the Secretary of the Interior, acting through the Commissioner of Reclamation to design and construct the Navajo Gallup Water Supply Project; and
3. The Navajo Gallup Water Supply Project will provide reliable and sustainable municipal, industrial, and domestic water supplies from the San Juan River to 43 Chapters of the Navajo Nation, the City of Gallup and the Southwest portion of the Jicarilla Apache Nation Reservation; and
4. The Naschitti Chapter is one of the 43 chapters identified to be served by the proposed water supply project; and
5. The Bureau of Reclamation is currently designing and preparing to begin construction of the Navajo Gallup Water Supply Project; and
6. One of the initial Project phases includes conveying groundwater from Naschitti to chapters east and west of Gallup in current need of water prior to San Juan River water delivery and to upgrade all existing water lines within Naschitti area with assistance from proper entities and existing bylaws and procedures.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Naschitti Chapter fully supports the design, construction and implement of the Navajo Gallup Water Supply Project; and the project is in the best interest of the chapter and the tribe; and
2. the chapter recognizes that the Project Participants, including the Navajo Nation, shall provide all and or interest in land, as appropriate, at no cost (P.L., 111 -11 Section 10602) (c) (2); and
3. The Chapter will work cooperatively with the Navajo Nation, the Bureau of Reclamation and its agents to obtain any and all required approvals.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by Naschitti Community Governance and moved for approval by Kee Y. Gee, seconded by Michael Clani at a duly called meeting at Naschitti, Navajo Nation, (New Mexico), at which a quorum was present and that same was passed by a Vote of -3- Yeyes, -1- **Nays** on this 6th day of **November, 2016**.


Hoskie Bryant, Commission President
Naschitti Community Governance

<i>Hoskie Bryant</i>	<i>Michael T. Clani</i>	<i>Darlene Bitsoi</i>	<i>Gloria Dennison</i>	<i>Kee Y. Gee</i>
Commission President	Commission Vice-President	Commission Secretary/Treasurer	Commission Member	Commission Member

BOE Reach 94

Navajo-Gallup Water Supply Project - Reach 9 - Parcel No. RCH 9B - Tribal Trust - 01(P) - Permanent Right-of-Way

A parcel of land crossing Navajo Nation, Tribal Trust Land lying in Sections 16, 20, 21, 29, 31, and 32, Township 19 North, Range 17 West; and Sections 06 and 07, Township 18 North, Range 17 West; and Sections 12, 13, 24, 23, and 26, Township 18 North, Range 18 West; N.M.P.M., McKinley County, New Mexico. More particularly described as follows:

A strip of land being 80 feet wide, lying 40 feet each side from station 90702+40.36 to station 91185+00, thence being 150 feet wide, lying 75 feet each side from station 91185+00 to station 91187+50, thence being 80 feet wide, lying 40 feet each side from station 91187+50 to station 91220+00 of the following described centerline:

Point of Beginning being Reach 9B station 90702+40.36, a point on the North line of said Section 16, from which the North Quarter Corner of said Section 16 bears North 89°31'14" West a distance of 222.03 feet; thence, from the point of beginning, South 16°15'55" West a distance of 1050.64 feet to station 90712+91.00; thence South 12°59'03" West a distance of 4085.00 feet to station 90753+76.00; thence South 23°47'16" West a distance of 305.63 feet to station 90756+81.63, a point on the North line of said Section 21, from which the North Quarter corner of said Section 21 bears South 89°30'47" East a distance of 1066.57 feet; thence continuing South 23°47'16" West a distance of 3940.37 feet to station 90785+22.00; thence South 11°54'09" West a distance of 394.76 feet to station 90789+26.76, a point on the East line of said Section 20, from which the East Quarter corner of said Section 20 bears North 00°31'05" East a distance of 1185.67 feet; thence continuing South 11°54'09" West a distance of 294.24 feet to station 90801+21.00; thence South 23°55'34" West a distance of 1270.41 feet to station 90813+91.41, a point on the North line of said Section 29, from which the Northeast corner of said Section 29 bears South 89°28'45" East a distance of 562.79 feet; thence continuing South 23°55'34" West a distance of 1077.59 feet to station 90824+69.00; thence South 46°24'59" West a distance of 413.00 feet to station 90828+82.00; thence South 23°48'41" West a distance of 332.00 feet to station 90832+14.00; thence South 01°21'21" West a distance of 410.00 feet to station 90836+24.00; thence South 23°40'50" West a distance of 1283.00 feet to station 90849+07.00; thence South 25°48'38" West a distance of 2333.73 feet to station 90872+40.73, a point on the North line of said Section 32, from which the North Quarter corner of said Section 32 bears South 89°28'04" East a distance of 284.12 feet; thence continuing South 25°48'38" West a distance of 72.27 feet to station 90873+13.00; thence South 28°26'23" West a distance of 1367.00 feet to station 90886+80.00; thence South 27°13'05" West a distance of 1712.00 feet to station 90903+92.00; thence South 29°12'51" West a distance of 331.00 feet to station 90907+23.00; thence South 23°50'49" West a distance of 1235.00 feet to station 90919+58.00; thence South 29°25'33" West a distance of 567.01 feet to station 90925+25.01, a point on the East line of said Section 31, from which the Southeast corner of said Section 31 bears South 00°38'11" West a distance of 554.18 feet; thence continuing South 29°25'33" West a distance of 39.99 feet to station 90925+65.00; thence South 17°39'05" West a distance of 543.21 feet to station 90931+08.20, a point on the North line of said Section 06, from which the Northeast Corner of said Section 06 bears South 88°27'33" East a distance of 178.21 feet (continued on Sheet 2);

Navajo-Gallup Water Supply Project - Reach 9 - Parcel No. RCH 9B - Tribal Trust - 01(T) - Construction (Temporary) Right-of-Way

A parcel of land lying in sections 07, 08, 17, 20, 29, 28, and 33, Township 21 North, Range 17 West; N.M.P.M., McKinley County, New Mexico. More particularly described as follows:

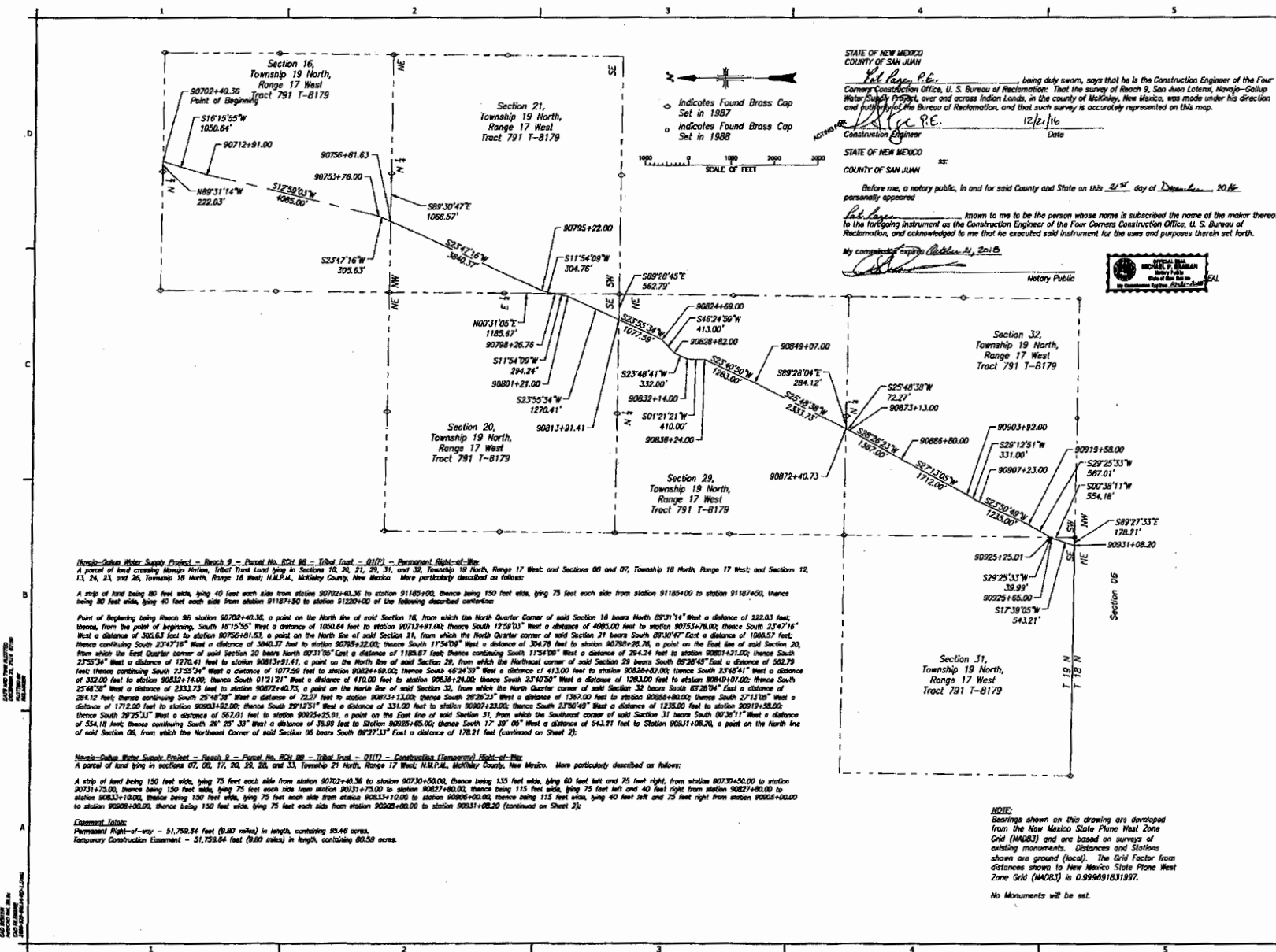
A strip of land being 150 feet wide, lying 75 feet each side from station 90702+40.36 to station 90730+50.00, thence being 135 feet wide, lying 60 feet left and 75 feet right, from station 90730+50.00 to station 90731+75.00, thence being 150 feet wide, lying 75 feet each side from station 90731+75.00 to station 90827+80.00, thence being 115 feet wide, lying 75 feet left and 40 feet right from station 90827+80.00 to station 90833+10.00, thence being 150 feet wide, lying 75 feet each side from station 90833+10.00 to station 90906+00.00, thence being 115 feet wide, lying 40 feet left and 75 feet right from station 90906+00.00 to station 90908+00.00, thence being 150 feet wide, lying 75 feet each side from station 90908+00.00 to station 90931+08.20 (continued on Sheet 2);

Easement Totals:

Permanent Right-of-way - 51,759.64 feet (9.80 miles) in length, containing 95.46 acres.

Temporary Construction Easement - 51,759.64 feet (9.80 miles) in length, containing 80.59 acres.

BO R Reach 9A



RECLAMATION

ALWAYS THINK SAFETY

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
INVAUD-GALLUP WATER SUPPLY PROJECT
NEW MEXICO

SAN JUAN LATERAL - REACH 9

RIGHT-OF-WAY

English, Ruth
Gardner, Ryan
Jordan, Mike
Dennis, Karl W P E
Rt. 1 Box
Page, Patrick J P R
APPLICANTS:
OWNER: none - XSD Family Reunited program
PRAIRIEVIEW, MO 65728-23-21

A

NAVAJO NATION - TRIBAL TRUST LAND

PARCELS NOS. ACH
9B-TRIBAL TRUST - 01(P)
AND 01(T)

1695-529-60114